

(1) The initial notice and request for a deviation and an authorization may be spoken, but the request must also be written. The written request must explain why immediate repair is impracticable, and state when and by whom the repair will be made.

(2) The COTP, upon receiving even a spoken request, may grant a deviation and an authorization from any of the provisions of §§164.70 through 164.82 for a specified time if he or she decides that they would not impair the safe navigation of the vessel under anticipated conditions.

[CGD 94-020, 61 FR 35075, July 3, 1996]

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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- 165.1402 Apra Outer Harbor, Guam—regulated navigation area.
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165.1706 Gastineau Channel, Juneau, Alaska—Safety Zone.
165.1707 Crescent Harbor, Sitka, Alaska—Safety Zone.
165.1708 Tongass Narrows, Ketchikan, Alaska—Safety Zone.

AUTHORITY: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5; 49 CFR 1.46.

SOURCE: CGD 79-034, 47 FR 29660, July 8, 1982, unless otherwise noted.

Subpart A—General

§ 165.1 Purpose of part.

The purpose of this part is to:

- Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;
- Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;
- Prescribe specific requirements for established areas; and
- List specific areas and their boundaries.

§ 165.5 Establishment procedures.

- A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.
- Any person may request that a safety zone, security zone, or regulated navigation area be established. Except as provided in paragraph (c) of this section, each request must be submitted in writing to either the Captain of the Port or District Commander having jurisdiction over the location as de-

scribed in Part 3 of this chapter, and include the following:

- The name of the person submitting the request;
- The location and boundaries of the safety zone, security zone, or regulated navigation area;
- The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;
- A description of the activities planned for the safety zone, security zone, or regulated navigation area;
- The nature of the restrictions or conditions desired; and
- The reason why the safety zone, security zone, or regulated navigation area is necessary.

(Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Budget under control number 2115-0076, 2115-0219, and 2115-0087).

(c) Safety Zones and Security Zones. If, for good cause, the request for a safety zone or security zone is made less than 5 working days before the zone is to be established, the request may be made orally, but it must be followed by a written request within 24 hours.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 79-026, 48 FR 35408, Aug. 4, 1983]

§ 165.7 Notification.

(a) The establishment of these limited access areas and regulated navigation areas is considered rulemaking. The procedures used to notify persons of the establishment of these areas vary depending upon the circumstances and emergency conditions. Notification may be made by marine broadcasts, local notice to mariners, local news media, distribution in leaflet form, and on-scene oral notice, as well as publication in the FEDERAL REGISTER.

(b) Notification normally contains the physical boundaries of the area, the reasons for the rule, its estimated duration, and the method of obtaining authorization to enter the area, if applicable, and special navigational rules, if applicable.

(c) Notification of the termination of the rule is usually made in the same

form as the notification of its establishment.

§ 165.8 Geographic coordinates.

Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD 86-082, 52 FR 33811, Sept. 8, 1987]

Subpart B—Regulated Navigation Areas

§ 165.10 Regulated navigation areas.

A regulated navigation area is a water area within a defined boundary for which regulations for vessels navigating within the area have been established under this part.

§ 165.11 Vessel operating requirements (regulations).

Each District Commander may control vessel traffic in an area which is determined to have hazardous conditions, by issuing regulations:

- (a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;
- (b) Establishing vessel size, speed, draft limitations, and operating conditions; and
- (c) Restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics or capabilities which are considered necessary for safe operation under the circumstances.

[CGD 79-026, 48 FR 35408, Aug. 4, 1983]

§ 165.13 General regulations.

- (a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.

- (b) No person may cause or authorize the operation of a vessel in a regulated navigation area contrary to the regulations in this part.

Subpart C—Safety Zones

§ 165.20 Safety zones.

A Safety Zone is a water area, shore area, or water and shore area to which, for safety or environmental purposes, access is limited to authorized persons, vehicles, or vessels. It may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion.

§ 165.23 General regulations.

Unless otherwise provided in this part:

- (a) No person may enter a safety zone unless authorized by the COTP or the District Commander;
- (b) No person may bring or cause to be brought into a safety zone any vehicle, vessel, or object unless authorized by the COTP or the District Commander;
- (c) No person may remain in a safety zone or allow any vehicle, vessel, or object to remain in a safety zone unless authorized by the COTP or the District Commander; and
- (d) Each person in a safety zone who has notice of a lawful order or direction shall obey the order or direction of the COTP or District Commander issued to carry out the purposes of this subpart.

Subpart D—Security Zones

§ 165.30 Security zones.

- (a) A security zone is an area of land, water, or land and water which is so designated by the Captain of the Port or District Commander for such time as is necessary to prevent damage or injury to any vessel or waterfront facility, to safeguard ports, harbors, territories, or waters of the United States or to secure the observance of the rights and obligations of the United States.
- (b) The purpose of a security zone is to safeguard from destruction, loss, or

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injury from sabotage or other subversive acts, accidents, or other causes of a similar nature:

- (1) Vessels,
- (2) Harbors,
- (3) Ports, and
- (4) Waterfront facilities:

in the United States and all territory and water, continental or insular, that is subject to the jurisdiction of the United States.

§ 165.33 General regulations.

Unless otherwise provided in the special regulations in Subpart F of this part:

- (a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;
- (b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;
- (c) The Captain of the Port may take possession and control of any vessel in the security zone;
- (d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;
- (e) No person may board, or take or place any article or thing on board, any vessel in a security zone without the permission of the Captain of the Port; and
- (f) No person may take or place any article or thing upon any waterfront facility in a security zone without the permission of the Captain of the Port.

Subpart E—Restricted Waterfront Areas

§ 165.40 Restricted waterfront areas.

The Commandant, may direct the COTP to prevent access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein. This section may apply to persons who do not possess the credentials outlined in §125.09 of this chapter when certain shipping activities are conducted that are outlined in §125.15 of this chapter.

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Subpart F—Specific Regulated Navigation Areas and Limited Access Areas

FIRST COAST GUARD DISTRICT

§ 165.101 Kittery, Maine—regulated navigation area.

(a) The following is a regulated navigation area—Waters within the boundaries of a line beginning at 43°04'50"N, 70°44'52"W; then to 43°04'52"N, 70°44'53"W; then to 43°04'59"N, 70°44'46"W; then to 43°05'05"N, 70°44'32"W; then to 43°05'03"N, 70°44'30"W; then to the beginning point.

(b) Regulations—No vessel may operate in this area at a speed in excess of five miles per hour.

§ 165.102 Security Zone; Walkers Point, Kennebunkport ME.

(a) *Location.* The following area is a security zone: From point of land located on Cape Arundel at latitude 43° 20.4' North, longitude 070° 28.0' West; thence to a point approximately 500 yards southwest of Walkers Point located at latitude 43° 20.2' North, longitude 070° 27.9' West; thence to a point located approximately 500 yards south of Walkers Point at latitude 43° 20.1' North, longitude 070° 27.6' West; thence to a point located approximately southeast of Walkers Point at latitude 43° 20.4' North, longitude 070° 27.2' West; thence to an unnamed point of land located at 43° 20.9' North, longitude 070° 27.1' West; thence along the shoreline of Walkers Point to the beginning point. The aforementioned offshore positions are approximated by white buoys marked in orange indicating an exclusionary area.

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Portland, Maine. Section 165.33 also contained other general requirements.

(2) No person may swim upon or below the surface of the water within the boundaries of this security zone.

[CGDI 89-008, 54 FR 13883, Apr. 6, 1989]

§ 165.103 Safety Zone: Portsmouth Harbor, Portsmouth, New Hampshire.

(a) The following areas are established as safety zones during the specified conditions:

(1) For all inbound tank vessels carrying Liquefied Petroleum Gas (LPG), the waters bounded by the limits of the Piscataqua River Channel and extending 1000 yards ahead and 500 yards astern of an LPG tanker while the vessel transits Bigelow Bight, Portsmouth Harbor and the Piscataqua River to the LPG receiving facility at Newington, New Hampshire. This safety zone remains in effect until the LPG carrier is safely moored at the LPG receiving facility on the Piscataqua River.

(2) For all outbound tank vessels carrying LPG, the waters bounded by the limits of the Piscataqua River Channel and extending 1000 yards ahead and 500 yards astern of an LPG tanker while the vessel departs the LPG facility and transits the Piscataqua River, Portsmouth Harbor and Bigelow Bight. This safety zone remains in effect until the LPG carrier passes Gunboat Shoal Lighted Bell Buoy "1" (LLNR 185) located in Bigelow Bight.

(b) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community and local agencies of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of LPG vessels via the telephone and/or Marine Safety Information Radio Broadcasts.

[CGD 188-106, 54 FR 20572, May 12, 1989]

§ 165.110 Boston Harbor, Boston, Massachusetts.

(a) The following areas are established as safety zones during the specified conditions:

(1) The waters bounded by the limits of the Boston Main Ship Channel and extending two miles ahead and one mile astern of a loaded Liquefied Natural Gas Tank vessel while the vessel transits the Boston North Channel and Boston Harbor. The safety Zone remains in effect until the LNG vessel is alongside the DISTRIGAS waterfront

facility in the Mystic River. Lat. 42°23.3' N., Long. 71°03.7' W.

(2) The waters and land area within 150' of a Liquefied Natural Gas Tank vessel when the vessel is alongside the DISTRIGAS waterfront facility, Everett, MA. Lat. 42°23.3' N., Long. 71°03.7' W. This Safety Zone remains in effect while the LNG vessel remains in a loaded condition or is transferring liquefied natural gas.

(b) The general regulations governing safety zones as contained in 33 CFR 165.20 apply.

[CGD1-83-4R, 49 FR 19819, May 10, 1984]

§ 165.111 Safety Zone: Boston Harbor, Boston, Massachusetts.

(a) The following areas are established as safety zones during the conditions specified:

(1) Around the U.S.S. *Constitution* or any accompanying parade vessels when *Constitution* is under way—300 yards in all directions in the waters around the U.S.S. *Constitution* and each parade vessel accompanying *Constitution* whenever the U.S.S. *Constitution* is underway in Boston Harbor from the time such vessels depart their respective berths until the time they complete their transit and are safely moored.

(2) Whenever *Constitution* is moored at Pier 1, Charlestown Navy Yard—the waters between Hoosac Pier and Pier 1, Charlestown Navy Yard, from the imaginary line connecting the outer easternmost point protruding into Boston Harbor from Hoosac Pier to the outer westernmost point protruding into Boston Harbor from Pier 1, Charlestown Navy Yard, extending inbound along the face of both piers to the landside points where both piers end.

(3) Around the U.S.S. *Constitution*—fifty yards in all directions in the waters around *Constitution* when the vessel is moored at any Boston berthing location other than Pier 1, Charlestown Navy Yard.

(b) The general regulations governing safety zones as contained in 33 CFR 165.23 apply.

[CGD1 91-109, 57 FR 30407, July 9, 1992]

§ 165.112 Safety Zone: USS CASSIN YOUNG, Boston, Massachusetts.

(a) *Location.* The following area is a safety zone:

Around the USS CASSIN YOUNG (DD-793) and any accompanying parade vessels when the USS CASSIN YOUNG is underway. The zone extends 100 yards in all directions in the waters around the USS CASSIN YOUNG and accompanying parade vessels whenever the USS CASSIN YOUNG is underway in Boston Harbor from the time the USS CASSIN YOUNG departs its berth until it is safely moored.

(b) *Regulations.* The general regulations governing safety zones as contained in 33 CFR 165.23 apply.

[CGD01-93-001, 58 FR 47991, Sept. 14, 1993]

§ 165.120 Safety zone: Chelsea River, Boston Inner Harbor, Boston, MA.

(a) *Location.* The following area is a safety zone: The waters of the Chelsea River, Boston Inner Harbor, for 100 yards upstream and downstream of the center of the Chelsea Street Draw span (in the approximate position of Latitude 42-33-10 North, Longitude 71-01-23 West).

(b) *Regulation.* The following standards are the minimum requirements for transit of the Safety Zone. Additional precautions may be taken by the pilot and/or person in charge (Master or Operator).

(1) All tankships greater than 1,000 Gross Tons shall be under the direction and control of the Licensed Federal Pilot. This does not relieve persons in charge (Masters or Operators) from their ultimate responsibility for the safe navigation of vessels.

(2) All vessel(s) speed shall be kept to a minimum considering all factors and the need for optimum vessel control.

(3) Restrictions on size and draft of vessels:

(i) No vessel greater than 661 feet in length (using length overall) or greater than 90.5 feet in beam (using extreme breadth) shall transit the Safety Zone.

(ii) No vessel greater than 630.5 feet in length or 85.5 feet or greater in beam shall transit the Safety Zone during the period between sunset and sunrise.

(iii) No tankship greater than 550.5 feet in length shall transit the Safety Zone, either inbound or outbound, with

a draft less than 18.0 feet forward and 24.0 feet aft.

(4) Restrictions when the Chelsea River channel is obstructed by vessel(s) moored at the Northeast Petroleum Terminal located downstream of the Chelsea Street Bridge on the Chelsea, MA side of the Chelsea River—hereafter referred to as the Jenny Dock (approximate position 42-23-09 North, 71-01-31 West)—or the Mobile Oil Terminal located on the East Boston Side of the Chelsea River downstream of the Chelsea Street Bridge (approximate position 42-23-05 North, 71-01-31 West):

(i) When there is a vessel moored at each terminal, no vessel greater than 300.5 feet in length or greater than 60.5 feet in beam, shall transit the safety zone.

(ii) When a vessel with a beam greater than 60.5 feet is moored at either terminal, no vessel greater than 630.5 feet in length or greater than 85.5 feet in beam shall transit the Safety Zone.

(iii) When a vessel with a beam greater than 85.5 feet is moored at either terminal, no vessel greater than 550.5 feet in length or greater than 85.5 feet in beam shall transit the Safety Zone.

(5) Requirements for tug assistance:

(i) All tankships greater than 630.5 feet in length or greater than 85.5 feet in beam shall be assisted by at least four tugs of adequate horsepower.

(ii) All tankships from 450 feet in length up to and including 630.5 feet in length and less than 85.5 feet in beam shall be assisted by at least three tugs of adequate horsepower.

(iii) All tug/barge combinations with a tonnage of over 10,000 Gross Tons (for the barge(s), in all conditions of draft, shall be assisted by at least one tug of adequate horsepower.

(6) U.S. Certificated integrated tug/barge (ITB) combinations shall meet the requirements of a tankship of similar length and beam except that one less assist tug would be required.

(7) Variances from the above standard must be approved in advance by the Captain of the Port of Boston, MA.

[CCGD1-85-4R, 51 FR 10835, Mar. 31, 1986; 51 FR 23415, June 27, 1986]

§ 165.121 Safety Zone: Rhode Island Sound, Narragansett Bay, Providence River.

(a) *Location.* The following areas are established as safety zones:

(1) For Liquefied Petroleum Gas (LPG) vessels while at anchor in the waters of Rhode Island Sound; in position Latitude 41-25N., Longitude 71-23W., a Safety Zone with a radius of one-half mile around the LPG vessel.

(2) For Liquefied Petroleum Gas (LPG) vessels while transiting Narragansett Bay and the Providence River; a moving Safety Zone from a distance of two (2) miles ahead to one (1) mile astern to the limits of the navigable channel around the LPG vessel.

(3) For Liquefied Petroleum Gas (LPG) vessels while moored at the LPG facility, Port of Providence; a safety zone within 50 feet around the vessel. No vessel shall moor within 200 feet from the LPG vessel. All vessels transiting the area are to proceed with caution to minimize the effects of wake around the LPG vessel.

(4) For Liquefied Petroleum Gas (LPG) vessels while moored with manifolds connected at the LPG Facility, Port of Providence; a Safety Zone within a 100 foot radius around the shoreside manifold while connected. This is in addition to the requirements for LPG vessels while moored at the LPG Facility, Port of Providence.

(b) The Captain of the Port Providence will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of LPG vessels via Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) *Regulations.* The general regulations governing safety zones contained in § 165.23 apply.

[CGD1-88-010, 53 FR 31858, Aug. 22, 1988, as amended by CGD01-92-004, 59 FR 52425, Oct. 18, 1994]

§ 165.122 Providence River, Providence, R.I. regulated navigation area.

(a) *Description of the regulated navigation area (RNA).* The Regulated Navigation Area (RNA) encompasses the deep draft channel between Narragansett

Bay Entrance Lighted Horn Buoy NB (LLNR 17675) 41°23.0' N Latitude, 71°23.4' W Longitude, and Fox Point, Providence.

(b) *Regulations.* (1) The following restrictions apply in the portion of the regulated area between Conimicut Light (LLNR 18305) and Channel Light 42 (Fuller Rock Light, (LLNR 18580)).

(i) No vessel with a draft greater than 35 feet may transit when water depth is at or below mean low water.

(ii) Vessels with drafts greater than 35 feet but less than 38 feet may transit when water depth is other than that on or below mean low water, provided there is sufficient depth under the keel to prevent grounding.

(iii) Vessels with drafts greater than or equal to 38 feet must obtain permission, 48 hours in advance of the desired transit time, from the Captain of the Port, Providence to transit.

(2) Vessels with drafts greater than 35 feet must have at least one mile of visibility to transit the regulated area between Conimicut Light (LLNR 18305) and Channel Light 42 (LLNR 18580, Fuller Rock Light).

(3) Vessels over 65 feet in length are prohibited from passing, meeting, or overtaking other vessels over 65 feet in length in the regulated area from:

(i) Gaspee Point to Channel Light 42, (Fuller Rock Light, LLNR 18580).

(ii) Conimicut Point Reach (Conimicut Light, LLNR 18305) to Channel Lighted Buoy 19, 41° 43.7' N Latitude, 71° 21.8' W Longitude, (LLNR 18330) and Channel Lighted Buoy 20, 41° 43.7' N Latitude, 71° 21.8' W Longitude, (LLNR 18335).

(4) Vessels over 65 feet in length inbound for berths up the Providence River, planning to transit through the deep draft channel, are required to make Safety Signal (SECURITE) calls on both VHF channels 13 and 16 at the following geographic locations: Pilot's Station, Abeam of Castle Hill, Approaching the Newport bridge, South of Prudence Island, Abeam of Sandy Point, Abeam of Popasquash Point, Approaching the Southern End of Rumstick Neck Reach, Abeam of Conimicut Point Light (LLNR 18305), Abeam of Gaspee Point, Abeam of Sabin Point and upon mooring.

(5) Vessels over 65 feet in length outbound for sea down the Providence River Channel transiting through this regulated navigation area are required to make SECURITE calls on VHF channels 13 and 16 at the following geographic locations: one-half hour prior to departure from the berth, at departure from the berth, Abeam of Sabin Point, Abeam of Gaspee Point, and Abeam of Conimicut Light (LLNR 18305).

(6) Vessels 65 feet and under in length and all recreational vessels when meeting deep draft commercial vessel traffic in the Providence River Channel between Conimicut Light (LLNR 18305) and Channel Light 42 (LLNR 18580, Fuller Rock Light) shall keep out of the way of the oncoming deep draft commercial vessel.

(7) The Captain of the Port, Providence, may authorize a deviation from these regulations.

(c) *Enforcement.* Violations of this regulated navigation area should be reported to the Captain of the Port, Providence, at (401) 435-2300. Persons in violation of these regulations will be subject to civil penalty under § 165.13(b) of this part.

[CGD01-93-030, 59 FR 18489, Apr. 19, 1994]

§ 165.130 Sandy Hook Bay, New Jersey—security zone.

(a) Naval Ammunition Depot Piers. The waters within the following boundaries are a security zone—A line beginning on the shore at 40°25'57"N, 74°04'32"W; then to 40°27'52.5"N, 74°03'14.5"W; then to 40°27'28.3"N, 74°02'12.4"W; then to 40°26'29.2"N, 74°02'53"W; then to 40°26'31.1"N, 74°02'57.2"W; then to 40°25'27.3"N, 74°03'41"W; then along the shoreline to the beginning point.

(b) Terminal Channel. The waters within the following boundaries are a security zone—A line beginning at 40°27'41.2"N, 74°02'46"W; then to 40°28'27"N, 74°02'17.2"W; then to 40°28'21.1"N, 74°02'00"W; then to 40°28'07.8"N, 74°02'22"W; then to 40°27'39.8"N, 74°02'41.4"W; then to the beginning.

(c) The following rules apply to the security zone established in paragraph (b) of this section (Terminal Channel) instead of the rule in § 165.33(a):

(1) No vessel shall anchor, stop, remain or drift without power at any time in the security zone.

(2) No vessel shall enter, cross, or otherwise navigate in the security zone when a public vessel, or any other vessel, that cannot safely navigate outside the Terminal Channel, is approaching or leaving the Naval Ammunition Depot Piers at Leonardo, New Jersey.

(3) Vessels may enter or cross the security zone, except as provided in paragraph (c)(2) of this section.

(4) No person may swim in the security zone.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 165.140 New London Harbor, Connecticut—security zone.

(a) Security zones:

(1) *Security zone A.* The waters of the Thames River off State Pier enclosed by a line beginning at the midpoint of the southeast face of State Pier; then to 41°21'24" N, 72°05'21.2" W; then to 41°21'26.2" N, 72°05'19.3" W; then to 41°21'34" N, 72°05'18.1" W; then extending northwest through buoy C15 to the shoreline at 41°21'43.5" N, 72°05'23" W; then along the shoreline and pier to the point of beginning.

(2) *Security zone B.* The waters of the Thames River west of the Electric Boat Division Shipyard enclosed by a line beginning at a point on the shoreline at 41°20'22.1" N, 72°04'52.8" W; then west to 41°20'28.7" N, 72°05'03.5" W; then to 41°20'53.3" N, 72°05'6.6" W; then to 41°21'03" N, 72°05'06.7" W; then due east to a point on the shoreline at 41°21'03" N, 72°05'00" W; then along the shoreline to the point of beginning.

(3) *Security zone C.* The waters of the Thames River, west of the Naval Submarine Base, New London, CT, enclosed by a line beginning at a point on the shoreline at 41°23'15.8" N., 72°05'17.9" W.; then to 41°23'15.8" N., 72°05'22" W.; then to 41°23'25.9" N., 72°05'29.9" W.; then to 41°23'33.8" N., 72°05'34.7" W.; then to 41°23'37.0" N., 72°05'38.0" W.; then to 41°23'41.0" N., 72°05'40.3" W.; then to 41°23'47.2" N., 72°05'42.3" W.; then to 41°23'53.8" N., 72°05'43.7" W.; then to 41°23'59.8" N., 72°05'43.0" W.; then to 41°24'12.4" N., 72°05'43.2" W.; then to a

point on the shoreline at 41°24'14.4" N., 72°05'38" W.; then along the shoreline to the point of beginning.

(4) *Security zone D.* The waters of the Thames River east of the Naval Underwater Systems Center, New London, enclosed by a line beginning at 41°20'36.0"N, 72°05'34.1" W; then to 41°20'36.0"N, 72°05'20"W; then to 41°20'41"N, 72°05'20"W; then to 41°20'43.7"N, 72°05'25.9"W; then to 41°20'41.6"N, 72°05'35.0"W; then along the shoreline to the points of beginning.

(b) *Special regulation.* Section 165.33 does not apply to public vessels when operating in Security Zones A or B, or to vessels owned by, under hire to, or performing work for the Electric Boat Division when operating in Security Zone B.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by COTP 83-01, 48 FR 33264, July 21, 1983; CGD3-83-29, 48 FR 51622, Nov. 10, 1983; CGD3-84-26, 49 FR 40405, Oct. 16, 1984; CGD3-86-56, 52 FR 17296, May 7, 1987. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987; CDG3 86-56, 52 FR 44107, Nov. 18, 1987]

§ 165.141 Safety Zone: Sunken vessel EMPIRE KNIGHT, Boon Island, ME.

(a) *Location.* The following area is a safety zone: All waters of the Atlantic Ocean within a 1,000 yard radius of the stern section of the sunken vessel EMPIRE KNIGHT, in approximate position 43°06'19" N, 70°27'09" W, (NAD 1983) and extending from the water's surface to the seabed floor.

(b) *Effective date.* This section is effective on August 23, 1996, twenty-four hours a day, seven days a week.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All vessels and persons are prohibited from anchoring, diving, dredging, dumping, fishing, trawling, laying cable, or conducting salvage operations in this zone except as authorized by the Coast Guard Captain of the Port, Portland, Maine. Innocent transit through the area within the safety zone is not affected by this regulation and does not require the authorization of the Captain of the Port.

(3) All persons and vessels shall comply with the instructions of the COTP or the designated on scene patrol personnel. U.S. Coast Guard patrol person-

nel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD 01-95-141, 61 FR 60032, Nov. 26, 1996]

§ 165.150 New Haven Harbor, Quinnipiac River, Mill River.

(a) *The following is a regulated navigation area:* The waters surrounding the Tomlinson Bridge located within a line extending from a point A at the southeast corner of the Wyatt terminal dock at 41°17'50"N, 72°54'36"W thence along a line 126°T to point B at the southwest corner of the Gulf facility at 41°17'42"N, 72°54'21"W thence north along the shoreline to point C at the northwest corner of the Texaco terminal dock 41°17'57"N, 72°54'06"W thence along a line 303°T to point D at the west bank of the mouth of the Mill River 41°18'05"N, 72°54'23"W thence south along the shoreline to point A.

(b) *Regulations.* (1) No person may operate a vessel or tow a barge in this Regulated Navigation Area in violation of these regulations.

(2) *Applicability.* The regulations apply to barges with a freeboard greater than ten feet and to any vessel towing or pushing these barges on outbound transits of the Tomlinson Bridge.

(3) Regulated barges may not transit the bridge—

(i) During the period from one hour to five hours after high water slack,

(ii) When the wind speed at the bridge is greater than twenty knots, and

(iii) With the barge being towed on a hawser, stern first.

(4) Regulated barges with a beam greater than fifty feet must be pushed ahead through the bridge.

(5) If the tug operator does not have a clear view over the barge when pushing ahead, the operator shall post a lookout on the barge with a means of communication with the operator.

(6) Regulated barges departing the Mill River may transit the bridge only between sunrise and sunset. Barges must be pushed ahead of the tug, bow first, with a second tug standing by to assist at the bow.

(7) Nothing in this section is intended to relieve any person from complying with:

- (i) Applicable Navigation and Pilot Rules for Inland Waters;
- (ii) Any other laws or regulations;
- (iii) Any order or direction of the Captain of the Port.

(8) The Captain of the Port, New Haven, may issue an authorization to deviate from any rule in this section if the COTP finds that an alternate operation can be done safely.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 80-069, 47 FR 53368, Nov. 26, 1982. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 165.155 Northville Industries Offshore Platform, Riverhead, Long Island, New York—safety zone.

(a) The following area is established as a safety zone during the specified condition:

(1) The waters within a 500 yard radius of the Northville Industries Offshore Platform, Long Island, New York, 1 mile North of the Riverhead shoreline at 41°00'N, 072°38' W, while a Liquefied Petroleum Gas (LPG) vessel is moored at the Offshore Platform. The safety zone remains in effect until the LPG vessel departs the Offshore Platform.

(b) The general regulations governing safety zone contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing notice of scheduled moorings at the Northville Industries Offshore Platform of LPG vessels via Marine Safety Information Radio Broadcast.

[CGD3 85-86, 51 FR 37181, Oct. 20, 1986. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 165.160 New York, New Jersey, Sandy Hook Channel, Raritan Bay, Arthur Kill—safety zone.

(a) The following areas are established as safety zones during the specified conditions:

(1) For incoming tank vessels loaded with Liquefied Petroleum Gas, the waters within a 100 yard radius of the LPG carrier while the vessel transits

the Sandy Hook Channel, Raritan Bay East and West Reach, Ward Point Bend East and West Reach, and the Arthur Kill to the LPG receiving facility. The Safety Zone remains in effect until the LPG vessel is moored at the LPG receiving facility in the Arthur Kill.

(2) For outgoing tank vessels loaded with LPG, the waters within a 100 yard radius of the LPG carrier while the vessel departs the LPG facility and transits the Arthur Kill, Ward Point Bend West and East Reach, Raritan Bay West and East Reach, and Sandy Hook Channel. The safety zone remains in effect until the LPG vessel passes the Scotland Lighted Horn Buoy "S" (LLNR 1619) at the entrance to the Sandy Hook Channel.

(b) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a Marine Safety Information Radio Broadcast.

[CGD3 84-08, 49 FR 25447, June 21, 1984. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 165.161 Safety Zone; Annual "Fireworks on the Navesink" Fireworks Display, Navesink River, Red Bank, New Jersey.

(a) *Location.* All waters between the north and south shores of the Navesink River, including Red Bank Reach, extending approximately 300 yards east and 300 yards west of the fireworks platform anchored off of Red Bank, New Jersey, at or near 40°21'20"N latitude, 074°04'10"W (NAD 1983). The safety zone is bound by the following points: 40°21'15"N latitude, 074°03'57"W longitude; to 40°21'43"N latitude, 074°03'57"W longitude; and 40°21'20"N latitude, 074°04'25"W longitude; to 40°21'30"N latitude, 074°04'25"W longitude (NAD 1983).

(b) *Effective period.* This section is in effect annually on the third of July, from 8 p.m. until 11 p.m., unless extended or terminated sooner by the Captain of the Port, New York. If the fireworks display is cancelled because

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of bad weather, this section is in effect on the fourth of July, at the same times, unless extended or terminated sooner by the Captain of the Port, New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-95-025, 60 FR 32271, June 21, 1995]

§ 165.165 Kill Van Kull, New York and New Jersey—regulated navigation area.

(a) *Description of the regulated navigation area (RNA).* (1) The RNA encompasses all of the water in or adjacent to the Kill Van Kull (KVK) east of the KVK Light 16A (LLNR34585) in North of Shooters Island Reach, east of Shooters Island Light 2 (LLNR 34620) in South of Shooters Island Reach, south of Newark Bay Channel Buoy 3 (LLNR 34650) in Newark Bay South Reach, south of South Entrance Lighted Buoy 5 (LLNR 34285) in the New Jersey Pierhead Channel, and west of KVK Channel Junction Lighted Bell Buoy "KV" (LLNR 34505) in Constable Hook Reach. This area is being established due to a dredging project being undertaken jointly by the U. S. Army Corps of Engineers and the Port Authority of New York and New Jersey.

(b) *Description of Work Areas in the RNA.*—(1) *Phase I*—(i) *Bergen Point West Reach.* The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'36.4" N	074°08'26.1" W
40°38'40.2" N	074°08'02.4" W
40°38'39.8" N	074°07'56.2" W
40°38'35.2" N	074°07'57.0" W
40°38'35.7" N	074°08'02.5" W
40°38'31.9" N	074°08'24.8" W

and thence to the point of beginning.

(ii) *Constable Hook Reach.* The waters bounded by a line connecting the following points:

Latitude	Longitude
40°39'05.8" N	074°05'09.4" W
40°39'09.8" N	074°04'54.0" W
40°39'09.7" N	074°04'51.3" W
40°39'06.3" N	074°04'44.0" W
40°39'03.4" N	074°04'44.0" W
40°39'04.1" N	074°05'09.4" W

and thence to the point of beginning, and the waters bounded by a line connecting the following points:

Latitude	Longitude
40°39'06.6" N	074°04'40.6" W
40°39'05.2" N	074°04'26.0" W
40°39'07.8" N	074°04'25.0" W
40°39'05.8" N	074°04'16.0" W
40°38'58.7" N	074°04'18.2" W
40°39'03.0" N	074°04'31.0" W
40°39'03.2" N	074°04'41.0" W

and thence to the point of the beginning.

(2) *Phase II*—(i) *Bergen Point West Reach.* The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'33.6" N	074°08'43.0" W
40°38'36.4" N	074°08'26.1" W
40°38'31.9" N	074°08'24.8" W
40°38'29.3" N	074°08'41.8" W

and thence to the point of the beginning.

(ii) *Constable Hook Reach.* The waters bounded by a line connecting the following points:

Latitude	Longitude
40°39'05.8" N	074°05'09.4" W
40°39'09.8" N	074°04'54.0" W
40°39'09.7" N	074°04'51.3" W
40°39'06.3" N	074°04'44.0" W
40°39'03.4" N	074°04'44.0" W
40°39'04.1" N	074°05'09.4" W

and thence to the point of beginning, and the waters bounded by a line connecting the following points:

Latitude	Longitude
40°39'06.6" N	074°04'40.6" W
40°39'05.2" N	074°04'26.0" W
40°39'07.8" N	074°04'25.0" W
40°39'05.8" N	074°04'16.0" W
40°38'58.7" N	074°04'18.2" W

Latitude	Longitude
40°39'03.0" N	074°04'31.0" W
40°39'03.2" N	074°04'41.0" W

and thence to the point of the beginning.

(3) *Phase III—*

(i) *Bergen Point West Reach*. The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'39.4" N	074°09'07.0" W
40°38'33.4" N	074°08'54.8" W
40°38'33.6" N	074°08'43.0" W
40°38'29.3" N	074°08'41.8" W
40°38'29.2" N	074°08'43.0" W
40°38'30.8" N	074°08'56.6" W
40°38'37.0" N	074°09'08.9" W

and thence to the point of beginning.

(ii) *Constable Hook Reach*. The waters bounded by a line connecting the following points:

Latitude	Longitude
40°39'05.8" N	074°05'09.4" W
40°39'09.8" N	074°04'54.0" W
40°39'09.7" N	074°04'51.3" W
40°39'06.3" N	074°04'44.0" W
40°39'03.4" N	074°04'44.0" W
40°39'04.1" N	074°05'09.4" W

and thence to the point of beginning, and the waters bounded by a line connecting the following points:

Latitude	Longitude
40°39'06.6" N	074°04'40.6" W
40°39'05.2" N	074°04'26.0" W
40°39'07.8" N	074°04'25.0" W
40°39'05.8" N	074°04'16.0" W
40°38'58.7" N	074°04'18.2" W
40°39'03.0" N	074°04'31.0" W
40°39'03.2" N	074°04'41.0" W

and thence to the point of the beginning.

(4) *Phase IV—*

(i) *Bergen Point West Reach*. The waters bounded by a line connecting the following points:

Latitude	Longitude
40°38'29.9" N	074°08'38.2" W
40°38'35.7" N	074°08'02.5" W
40°38'35.2" N	074°07'57.0" W
40°38'31.5" N	074°08'57.8" W
40°38'31.4" N	074°08'07.5" W
40°38'26.3" N	074°08'37.3" W

and thence to the point of beginning.

(ii) *Constable Hook Reach*. The waters bounded by a line connecting the following points:

Latitude	Longitude
40° 38' 49.3" N	074° 05' 44.0" W
40° 38' 50.7" N	074° 05' 37.2" W
40° 39' 04.2" N	074° 05' 09.1" W
40° 39' 03.8" N	074° 05' 00.0" W
40° 38' 59.9" N	074° 05' 00.0" W
40° 38' 59.9" N	074° 05' 01.9" W
40° 38' 57.0" N	074° 05' 15.0" W
40° 38' 47.6" N	074° 05' 34.7" W
40° 38' 46.1" N	074° 05' 43.9" W

and thence to the point of beginning, and the waters bounded by a line connecting the following points:

Latitude	Longitude
40° 39' 03.2" N	074° 04' 41.0" W
40° 39' 03.0" N	074° 04' 31.0" W
40° 38' 58.7" N	074° 04' 18.2" W
40° 38' 51.1" N	074° 04' 21.0" W
40° 38' 54.8" N	074° 04' 32.1" W
40° 39' 01.2" N	074° 04' 41.6" W

and thence to the point of the beginning.

(5) *Phase V—*(i) *Bergen Point West Reach*. The waters bounded by a line connecting the following points:

Latitude	Longitude
40° 38' 37.0" N	074° 09' 08.9" W
40° 38' 30.8" N	074° 08' 56.6" W
40° 38' 29.2" N	074° 08' 43.0" W
40° 38' 29.9" N	074° 08' 38.2" W
40° 38' 26.3" N	074° 08' 37.3" W
40° 38' 23.6" N	074° 08' 53.0" W
40° 38' 24.2" N	074° 09' 04.4" W
40° 38' 28.2" N	074° 09' 14.9" W

and thence to the point of beginning.

(ii) *Constable Hook Reach*. The waters bounded by a line connecting the following points:

Latitude	Longitude
40° 38' 49.3" N	074° 05' 44.0" W
40° 38' 50.7" N	074° 05' 37.2" W
40° 39' 04.2" N	074° 05' 09.1" W
40° 39' 03.8" N	074° 05' 00.0" W
40° 38' 59.9" N	074° 05' 00.0" W
40° 38' 59.9" N	074° 05' 01.9" W
40° 38' 57.0" N	074° 05' 15.0" W
40° 38' 47.6" N	074° 05' 34.7" W
40° 38' 46.1" N	074° 05' 43.9" W

and thence to the point of beginning, and the waters bounded by a line connecting the following points:

Latitude	Longitude
40° 39' 03.2" N	074° 04' 41.0" W
40° 39' 03.0" N	074° 04' 31.0" W
40° 38' 58.7" N	074° 04' 18.2" W
40° 38' 51.1" N	074° 04' 21.0" W
40° 38' 54.8" N	074° 04' 32.1" W
40° 39' 01.2" N	074° 04' 41.6" W

and thence to the point of the beginning.

(c) *Projected dates for each phase.* (1) Phase I: 2 July 1991 through 11 December 1991.

(2) Phase II: 12 December 1991 through 18 June 1992.

(3) Phase III: 19 June 1992 through 14 January 1993.

(4) Phase IV: 15 January 1993 through 13 June 1993.

(5) Phase V: 14 June 1993 through 09 April 1994.

(d) *Regulations.* (1) No vessel shall enter or transit any work area where drill barges and/or dredges are located.

(2) Each vessel transiting in the vicinity of the work areas, where drill barges and/or dredges are located, is required to do so at no wake speed.

(3) No vessel shall enter the RNA when the are advised by the drilling barge or Vessel Traffic Service New York (VTSNY) that a misfire or hang-fire has occurred. Vessels already underway in the RNA shall proceed to clear the area immediately.

(4) Vessels, 300 gross tons or greater and tugs with tows, are prohibited from meeting or overtaking other vessels when transiting alongside work areas.

(5) Vessels, 300 gross tons or greater and tugs with tows, transiting with the prevailing current are regarded as the stand-on vessel.

(6) Prior to entering the RNA, the master, pilot or operator of each vessel, 300 gross tons or greater and tugs with tows, shall ensure that they have sufficient propulsion and directional control to safely navigate the area under the prevailing conditions, and shall notify VTSNY as to their decision regarding the employment of assist tugs while transiting the RNA.

(7) Hawser or wire length must not exceed 100 feet, measured from the towing bit on the tug to the point where the hawser connects with the towed vessel, for any vessel with another vessel in tow.

(8) Waiver. The Captain of the Port, New York may, upon request, authorize a deviation from any regulation in this section if it is found that the proposed operations can be done safely. An application for deviation must be received not less than 24 hours before the intended operation and must state the need and describe the proposal.

[CGD1 89-065, 57 FR 11685, Apr. 7, 1992; 57 FR 13413, Apr. 16, 1992]

§ 165.166 Safety Zone; Annual Burlington Independence Day Celebration Fireworks Display, Burlington Bay, Vermont.

(a) *Location.* All waters of Burlington Bay within a 250 yard radius of a fireworks platform anchored approximately 250 yards west of Burlington, Vermont, at or near 44°28'33"N latitude and 073°13'33"W longitude (NAD 1983).

(b) *Effective period.* The safety zone is in effect annually on the third of July from 7:45 p.m. until 10:15 p.m., unless extended or terminated sooner by the Captain of the Port New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-95-012, 60 FR 31408, June 15, 1995]

§ 165.167 Safety Zone; Annual Rensselaer Festival Fireworks Display, Hudson River, New York.

(a) *Location.* The safety zone includes the waters of the Hudson River, shore to shore, north of 42°38'12" N latitude (NAD 1983) and south of the Dunn Memorial Bridge, Albany, New York.

(b) *Effective period.* This section is in effect annually on the third Saturday in September from 8:30 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port New

York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD 01-011, 60 FR 42789, Aug. 17, 1995]

§ 165.170 Safety Zone; Heritage of Pride Fireworks Display, Hudson River, New York.

(a) *Location.* All waters of the Hudson River within a 300 yard radius of a fireworks platform anchored approximately 330 yards west of the Manhattan pierhead line between Pier 45 and Pier 49.

(b) *Effective period.* This section is in effect annually on the last Sunday in June from 9:30 p.m. until 11:30 p.m., unless extended or terminated sooner by the Captain of the Port New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-95-003, 60 FR 33119, June 27, 1995]

§ 165.174 Safety Zone; Annual South Street Seaport New Year's Eve Fireworks Display, East River, New York.

(a) *Location.* All waters of the East River south of the Brooklyn Bridge and

north of a line drawn from Pier 9, Manhattan to Pier 3, Brooklyn, New York.

(b) *Effective period.* This section is in effect annually from 11:30 p.m. on December 31, until 12:45 a.m. on January 1, unless extended or terminated sooner by the Captain of the Port New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-95-010, 60 FR 57343, Nov. 15, 1995]

§ 165.175 Safety Zone; Annual South Street Seaport Memorial Day Fireworks Display, East River, New York.

(a) *Location.* All waters of the East River south of the Brooklyn Bridge and north of a line drawn from Pier 9, Manhattan to Pier 3, Brooklyn.

(b) *Effective period.* This safety zone is in effect annually on the Sunday before Memorial Day from 8 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port, New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-95-004, 60 FR 20430, Apr. 26, 1995]

§ 165.178 Safety Zone; Annual North Hempstead Memorial Day Fireworks Display, Hempstead Harbor, New York.

(a) *Location.* All waters of Hempstead Harbor within a 300 yard radius of a fireworks platform located approximately 300 yards north of Bar Beach, North Hempstead, New York.

(b) *Effective period.* This safety zone is in effect annually on the Friday before Memorial Day from 8 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port New York. If the fireworks is canceled because of bad weather, this section is in effect on the following Saturday at the time unless extended or terminated sooner by the Captain of the Port New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-95-013, 60 FR 20431, Apr. 26, 1995]

FIFTH COAST GUARD DISTRICT

§ 165.501 Chesapeake Bay entrance and Hampton Roads, Va. and adjacent waters—regulated navigation area.

(a) *Regulated Navigation Area.* The waters enclosed by the shoreline and the following lines are a Regulated Navigation Area:

(1) A line drawn across the entrance to Chesapeake Bay between Wise Point and Cape Charles Light, and then continuing to Cape Henry Light.

(2) A line drawn across the Chesapeake Bay between Old Point Comfort Light and Cape Charles City Range "A" Rear Light.

(3) A line drawn across the James River along the eastern side of the U.S.

Route 17 highway bridge, between Newport News and Isle of Wight County, Virginia.

(4) A line drawn across Chuckatuck Creek along the northern side of the north span of the U.S. Route 17 highway bridge, between Isle of Wight County and Suffolk, Virginia.

(5) A line drawn across the Nansemond River along the northern side of the Mills Godwin (U.S. Route 17) Bridge, Suffolk, Virginia.

(6) A line drawn across the mouth of Bennetts Creek, Suffolk, Virginia.

(7) A line drawn across the Western Branch of the Elizabeth River along the eastern side of the West Norfolk Bridge, Portsmouth, Virginia.

(8) A line drawn across the Southern Branch of the Elizabeth River along the northern side of the I-64 highway bridge, Chesapeake, Virginia.

(9) A line drawn across the Eastern Branch of the Elizabeth River along the western side of the west span of the Campostella Bridge, Norfolk, Virginia.

(10) A line drawn across the Lafayette River along the western side of the Hampton Boulevard Bridge, Norfolk, Virginia.

(11) A line drawn across Little Creek along the eastern side of the Ocean View Avenue (U.S. Route 60) Bridge, Norfolk, Virginia.

(12) A line drawn across Lynnhaven Inlet along the northern side of the Shore Drive (U.S. Route 60) Bridge, Virginia Beach, Virginia.

(b) *Definitions.* In this section:

(1) *CBBT* means the Chesapeake Bay Bridge Tunnel.

(2) *Thimble Shoal Channel* consists of the waters bounded by a line connecting Thimble Shoal Channel Lighted Bell Buoy 1TS, thence to Lighted Gong Buoy 17, thence to Lighted Buoy 19, thence to Lighted Buoy 21, thence to Lighted Buoy 22, thence to Lighted Buoy 18, thence to Lighted Buoy 2, thence to the beginning.

(3) *Thimble Shoal North Auxiliary Channel* consists of the waters in a rectangular area 450 feet wide adjacent to the north side of Thimble Shoal Channel, the southern boundary of which extends from Thimble Shoal Channel Lighted Buoy 2 to Lighted Buoy 18.

(4) *Thimble Shoal South Auxiliary Channel* consists of the waters in a rectangular area 450 feet wide adjacent to the south side of Thimble Shoal Channel, the northern boundary of which extends from Thimble Shoal Channel Lighted Bell Buoy 1TS, thence to Lighted Gong Buoy 17 thence to Lighted Buoy 19, thence to Lighted Buoy 21.

(c) *Applicability.* This section applies to all vessels operating within the Regulated Navigation Area, including naval and public vessels, except vessels that are engaged in the following operations:

- (1) Law Enforcement.
- (2) Servicing aids to navigation.

(3) Surveying, maintenance, or improvement of waters in the Regulated Navigation Area.

(d) *Regulations.*—(1) *Anchoring restrictions.*

(i) No vessel over 65 feet long may anchor or moor in this Regulated Navigation Area outside an anchorage designated in § 110.168 of this title, unless:

(A) The vessel has the permission of the Captain of the Port.

(B) The vessel is carrying explosives for use on river or harbor works or on other work under a permit issued by the District Engineer, Corps of Engineers, and the vessel is anchored in or near the vicinity of the work site. The District Engineer shall prescribe the quantities of explosives allowed on the vessel and the conditions under which the vessel may store or handle explosives. The vessel may not anchor unless a copy of the permit and instructions relating to the carriage and handling of explosives from the Corps of Engineers to the vessel or contractor are provided to the Captain of the Port before the vessel anchors.

(ii) A vessel may anchor in a channel with the permission of the Captain of the Port, if the vessel is authorized by the District Engineer to engage in the recovery of sunken property, to lay or repair a legally established pipeline or cable, or to engage in dredging operations.

(iii) A vessel engaged in river and harbor improvement work under the supervision of the District Engineer may anchor in a channel, if the District Engineer notifies the Captain of

the Port in advance of the start of the work.

(iv) Except as provided in paragraphs (d)(1)(ii) and (iii) of this section, a vessel may not anchor in a channel unless it is unable to proceed without endangering the safety of persons, property, or the environment.

(v) A vessel that is anchored in a channel because it is unable to proceed without endangering the safety of persons, property, or the environment, shall:

(A) Not anchor, if possible, within a cable or pipeline area.

(B) Not obstruct or endanger the passage of any vessel.

(C) Anchor near the edge of the channel, if possible.

(D) Not interfere with the free navigation of any channel.

(E) Not obstruct the approach to any pier.

(F) Not obstruct aids to navigation or interfere with range lights.

(G) Move to a designated anchorage or get underway as soon as possible or when directed by the Captain of the Port.

(vi) A vessel may not anchor within the confines of Little Creek Harbor, Desert Cove, or Little Creek Cove without the permission of the Captain of the Port. The Captain of the Port shall consult with the Commander, Naval Amphibious Base Little Creek, before granting permission to anchor within this area.

(2) *Secondary Towing Rig Requirements.* (i) A vessel over 100 gross tons may not be towed in this Regulated Navigation Area unless it is equipped with a secondary towing rig, in addition to its primary towing rig, that:

(A) Is of sufficient strength for towing the vessel.

(B) Has a connecting device that can receive a shackle pin of at least two inches in diameter.

(C) Is fitted with a recovery pickup line led outboard of the vessel's hull.

(ii) A tow consisting of two or more vessels, each of which is less than 100 gross tons, that has a total gross tonnage that is over 100 gross tons, shall be equipped with a secondary towing rig between each vessel in the tow, in addition to its primary towing rigs, while the tow is operating within this

Regulated Navigation Area. The secondary towing rig must:

(A) Be of sufficient strength for towing the vessels.

(B) Have connecting devices that can receive a shackle pin of at least two inches in diameter.

(C) Be fitted with recovery pickup lines led outboard of the vessels' hulls.

(3) *Anchoring Detail Requirements.* A self-propelled vessel over 100 gross tons, which is equipped with an anchor or anchors (other than a tugboat equipped with bow fenderwork of a type of construction that prevents an anchor being rigged for quick release), that is underway within two nautical miles of the CBBT or the I-664 Bridge Tunnel shall station its personnel at locations on the vessel from which they can anchor the vessel without delay in an emergency.

(4) *Draft Limitations.* A vessel drawing less than 25 feet may not enter the Thimble Shoal Channel, unless the vessel is crossing the channel. Channel crossings shall be made as perpendicular to the channel axis as possible.

(5) *Traffic Directions.* (i) Except when crossing the channel, a vessel in the Thimble Shoal North Auxiliary Channel shall proceed in a westbound direction.

(ii) Except when crossing the channel, a vessel in the Thimble Shoal South Auxiliary Channel shall proceed in an eastbound direction.

(6) *Restrictions on Vessels With Impaired Maneuverability.*—(i) *Before entry.* A vessel over 100 gross tons, whose ability to maneuver is impaired by hazardous weather, defective steering equipment, defective main propulsion machinery, or other damage, may not enter the Regulated Navigation Area without the permission of the Captain of the Port, unless the vessel is attended by one or more tugboats with sufficient total power to ensure the vessel's safe passage through the Regulated Navigation Area.

(ii) *After entry.* The master of a vessel over 100 gross tons, which is underway in the Regulated Navigation Area, shall, as soon as possible, do the following, if the vessel's ability to maneuver becomes impaired for any reason:

(A) Report the impairment to the Captain of the Port.

(B) Unless the Captain of the Port waives this requirement, have one or more tugboats, with sufficient total power to ensure the vessel's safe passage through the Regulated Navigation Area, attend the vessel.

(7) *Requirements for Navigation Charts, Radars, and Pilots.* No vessel over 100 gross tons may enter the Regulated Navigation Area, unless it has on board:

(i) Corrected charts of the Regulated Navigation Area.

(ii) An operative radar during periods of reduced visibility; or

(iii) A pilot or other person on board with previous experience navigating vessels on the waters of the Regulated Navigation Area.

(8) *Emergency Procedures.* (i) Except as provided in paragraphs (d)(8) (ii) and (iii) of this section, in an emergency any vessel may deviate from the regulations in this section to the extent necessary to avoid endangering the safety of persons, property, or the environment.

(ii) A vessel over 100 gross tons with an emergency that is located within two nautical miles of the CBBT or I-664 Bridge Tunnel (other than a self-propelled vessel that is capable of getting underway in 30 minutes, has sufficient power to avoid any bridge, tunnel island, or vessel, and whose maneuverability is not impaired by a steering equipment or main propulsion defect):

(A) Shall notify the Captain of the Port of its location and the nature of the emergency, as soon as possible.

(B) May not anchor outside an anchorage designated in §110.168 of this title, unless the vessel is unable to proceed to an anchorage without endangering the safety of persons, property, or the environment.

(C) Shall make arrangements for one or more vessels to attend the vessel, with sufficient power to keep the vessel in position.

(iii) If a vessel over 100 gross tons must anchor outside an anchorage because the vessel is unable to proceed without endangering the safety of persons, property, or the environment, the vessel shall:

(A) Not anchor, if possible, within a cable or pipeline area.

(B) Not obstruct or endanger the passage of any vessel.

(C) Not interfere with the free navigation of any channel.

(D) Not obstruct the approach to any pier.

(E) Not obstruct aids to navigation or interfere with range lights.

(F) Move to a designated anchorage or get underway as soon as possible or when directed by the Captain of the Port.

(9) *Vessel Speed Limits on Little Creek.* A vessel may not proceed at a speed over five knots between the Route 60 bridge and the mouth of Fishermans Cove (Northwest Branch of Little Creek).

(10) *Vessel Speed Limits on the Southern Branch of the Elizabeth River.* A vessel may not proceed at a speed over six knots between the junction of the Southern and Eastern Branches of the Elizabeth River and the Norfolk and Portsmouth Belt Line Railroad Bridge between Chesapeake and Portsmouth, Virginia.

(11) *Restrictions on Vessel Operations During Aircraft Carrier and Other Large Naval Vessel Transits of the Elizabeth River.* (i) Except for a vessel that is moored at a marina, wharf, or pier or that is anchored, no vessel may, without the permission of the Captain of the Port, come within or remain within 500 yards from a naval aircraft carrier or other large naval vessel, which is restricted in its ability to maneuver in the confined waters, while the aircraft carrier or large naval vessel is transiting the Elizabeth River between the Norfolk Naval Base, Norfolk, Virginia, and the Norfolk Naval Shipyard, Portsmouth, Virginia.

(ii) The permission required by paragraph (d)(11)(i) of this section may be obtained from a designated representative of the Captain of the Port, including the duty officer at the Coast Guard Marine Safety Office, Hampton Roads, or from the Coast Guard patrol commander.

(iii) The Captain of the Port issues a Broadcast Notice to Mariners to inform the marine community of scheduled vessel movements that are covered by paragraph (d)(11) of this section.

(iv) Notwithstanding paragraph (d)(11)(i) of this section, a vessel may

not remain moored at the Elizabeth River Ferry dock at the foot of High Street in Portsmouth, Virginia, when the dock is within a safety zone for a naval aircraft carrier or other large naval vessel.

(12) *Restrictions on Vessel Operations During Liquefied Petroleum Gas Carrier Movements on the Chesapeake Bay and Elizabeth River.* (i) Except for a vessel that is moored at a marina, wharf, or pier or that is anchored, and which remains moored or at anchor, no vessel may, without the permission of the Captain of the Port, come within or remain within 250 feet from the port and starboard sides and 300 yards from the bow and stern of a vessel that is carrying liquefied petroleum gas in bulk as cargo, while the gas carrier transits between Thimble Shoal Lighted Buoy 3 and the Atlantic Energy Terminal on the Southern Branch of the Elizabeth River.

(ii) The permission required by paragraph (d)(12)(i) of this section may be obtained from a designated representative of the Captain of the Port, including the duty officer at the Coast Guard Marine Safety Office, Hampton Roads, or from the Coast Guard patrol commander.

(iii) A vessel that has carried liquefied petroleum gas in a tank is carrying the liquefied petroleum gas as cargo for the purposes of paragraph (d)(12)(i) of this section, unless the tank has been gas freed since liquefied petroleum gas was last carried as cargo.

(iv) The Captain of the Port issues a Broadcast Notice to Mariners to inform the marine community of scheduled vessel movements that are covered by paragraph (d)(12) of this section.

(v) Notwithstanding paragraph (d)(12)(i) of this section, a vessel may not remain moored at the Elizabeth River Ferry dock at the foot of High Street in Portsmouth, Virginia, when the dock is within a safety zone for a liquefied petroleum gas carrier.

(13) *Restrictions on the Use of the Elizabeth River Ferry Dock at the Foot of High Street, Portsmouth, Virginia.*

(i) No vessels, other than those being operated as ferries for the Tidewater Transportation District Commission,

may embark or disembark passengers or otherwise moor at the Elizabeth River Ferry dock at the foot of High Street, Portsmouth, Virginia.

(ii) Any vessel being operated for the Tidewater Transportation District Commission may not moor at the dock longer than necessary to embark passengers awaiting transportation or disembark passengers already aboard the vessel.

(iii) The master or another authorized licensed officer must remain in the pilothouse and be prepared to get the vessel underway immediately or take other actions necessary to ensure the safety of the vessel's passengers, whenever a vessel is moored at the dock.

(e) *Waivers.* (1) The Captain of the Port may, upon request, waive any regulation in this section, if the Captain of the Port finds that the vessel can be operated safely.

(2) An application for a waiver must state the need for the waiver and describe the proposed vessel operations.

(f) *Control of Vessels Within the Regulated Navigation Area.* (1) When necessary to prevent damage, destruction, or loss of any vessel, the I-664 Bridge Tunnel, or the CBBT, the Captain of the Port may direct the movement of vessels or issue orders requiring vessels to anchor or moor in specific locations.

(2) If needed to further the maritime or commercial interests of the United States, the Captain of the Port may order a vessel to move from the location in which it is anchored to another location within the Regulated Navigation Area.

(3) The master of a vessel within the Regulated Navigation Area shall comply with any orders or directions issued to the master's vessel by the Captain of the Port.

[CGD 05-88-17, 54 FR 608, Jan. 9, 1989; CGD 05-88-17, 54 FR 7190, Feb. 17, 1989, as amended by CGD 05-89-01, 54 FR 19169, May 4, 1989]

§ 165.502 Cove Point, Chesapeake Bay, Maryland—safety zone.

(a) The waters and waterfront facilities located within the following boundaries constitute a safety zone effective when an LNG (Liquefied Natural Gas) carrier is maneuvering in the vicinity of the Cove Point terminal and when a moored LNG carrier indicates

its intention to get underway: A line beginning at a point one-half mile NW of the end of the north pier of the Columbia LNG facility at Cove Point, Maryland, located at 38°24'43"N latitude, 76°23'32"W longitude; thence 056°T to a point 2800 yards offshore at 38°24'59"N latitude, 76°23'01"W longitude; thence 146°T to a point located 2300 yards offshore at 38°23'52"N latitude, 76°22'03"W longitude; thence 236°T to a point one-half mile SE of the end of the south pier of the Columbia LNG facility at Cove Point, Maryland, located 38°23'39"N latitude, 76°22'35"W longitude; thence northwesterly to the point of origin and the area within 50 yards on the shore side of the Columbia LNG Corporation offshore terminal.

(b) The waters and waterfront facilities located within the following boundary constitute a safety zone when an LNG carrier is moored at the Columbia LNG offshore terminal; an area extending 50 yards shoreward of the offshore terminal and 200 yards offshore of all parts of the offshore terminal and the LNG carrier.

(c) The waters and waterfront facilities located within the following boundary constitute a safety zone when no LNG carrier is moored at the receiving terminal: the area within 50 yards of the Columbia LNG offshore terminal, at Cove Point, Maryland.

§ 165.503 Chesapeake Bay ice navigation season.

(a) The following is a regulated navigation area: the waters within the boundary of a line which starts at the intersection of the Delaware-Maryland boundary and the coastline and follows the Delaware-Maryland boundary west and north to the Pennsylvania boundary but includes the Chesapeake and Delaware Canal and the reaches of the Nanticoke River; thence due east along the Pennsylvania-Maryland boundary to the West Virginia boundary; thence south and eastward along the Maryland-West Virginia boundary to the Virginia boundary; thence southward along the Virginia-West Virginia boundary to a point 39°06'N. latitude, 78°30'W. longitude; thence to a point 38°19.5'N. latitude, 77°25.2'W. longitude; thence to a point 37°55'N. latitude, 76°28.2'W. longitude; thence to a point

37°55'N. latitude, 76°16.8'W. longitude; thence to a point 37°56.5'N. latitude, 76°10.5'W. longitude; thence to a point 37°57.2'N. latitude, 76°03'W. longitude on Chesapeake Bay; thence along the Maryland-Virginia boundary to the sea.

(b) The regulations in paragraphs (c) and (d) of this section are placed in effect and terminated by the Captain of the Port Baltimore by notice in the FEDERAL REGISTER. Notice is also given in the Fifth Coast Guard District Local Notice to Mariners and other available public notice means such as COTP newsletters and news broadcasts. This regulated navigation area will normally be placed in effect and terminated between December and March of the following year.

(c) This regulated navigation area applies to:

(1) Operators of those vessels defined under subparagraph (3) of section 5 of the Port and Tanker Safety Act, 92 Stat. 1482 (46 U.S.C. 391a), which includes any vessel—

(i) Regardless of tonnage, size, or manner of propulsion;

(ii) Whether self-propelled or not; and

(iii) Which carries oil or any hazardous materials in bulk as cargo or in residue;

(2) Operators of those vessels defined under section 4, subparagraphs (1) through (3) of the Vessel Bridge-to-Bridge Radiotelephone Act, 85 Stat. 164 (33 U.S.C. 1203(a) (1) through (3)), which includes—

(i) Every power-driven vessel of three hundred gross tons and upward;

(ii) Every vessel of one hundred gross tons and upward carrying one or more passengers for hire; and

(iii) Every towing vessel of twenty-six feet or greater in length.

(d) Upon entering or getting underway in this regulated navigation area when the regulations in this section are in effect, operators of vessels described in paragraph (c) of this section shall check with the Captain of the Port, Baltimore, by the most rapid means available, and request the current COTP Orders issued for this regulated navigation area. Operators of affected vessels that cannot meet this requirement shall not navigate their vessels in the regulated navigation area.

(e) If unable to comply with a currently effective COTP Order, operators of vessels described in paragraph (c) of this section shall not navigate their vessels in the regulated navigation area and shall notify COTP Baltimore by the most rapid means available. Such notification shall include:

(1) The name of the vessel,

(2) The vessel's location, and

(3) That provision of the currently effective order with which the vessel cannot comply.

[CGD 81-067, 48 FR 22545, May 19, 1983]

§ 165.504 Newport News Shipbuilding and Dry Dock Company Shipyard, James River, Newport News, Va.

(a) *Location.* The following is a security zone: The waters of the James River encompassed by a line beginning at the intersection of the shoreline with the northernmost property line of the Newport News Shipbuilding and Dry Dock Co. at latitude 37°00'38.1" N, longitude 76°27'05.7" W, thence southerly to latitude 36°59'58.4" N, longitude 76°27'16.7" W, thence southeasterly to latitude 36°59'23.0" N, longitude 76°26'54.6" W, thence westerly to latitude 36°59'21.5" N, longitude 76°26'58.4" W, thence southeasterly to latitude 36°59'12.9" N, longitude 76°26'52.4" W, thence easterly to latitude 36°59'14.2" N, longitude 76°26'49.1" W, thence southeasterly to latitude 36°58'37.8" N, longitude 76°26'26.3" W, thence easterly to latitude 36°58'43.5" N, longitude 76°26'13.7" W, thence northerly to the intersection of the shoreline with the southernmost property line of the Newport News Shipbuilding and Dry Dock Co. at latitude 36°58'48.0" N, longitude 76°26'11.2" W, thence northwesterly along the shoreline to the point of beginning.

(b) *Security zone anchorage.* The following is a security zone anchorage: The waters of the James River encompassed by a line beginning at the intersection of the shoreline with the northernmost property line of the Newport News Shipbuilding and Dry Dock Company shipyard at latitude 37°00'38.1" N, longitude 76°27'05.7" W, thence southerly to latitude 36°59'58.4" N, longitude 76°27'16.7" W, thence easterly to the

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shoreline at latitude 36°59'58.5" N, longitude 76°27'11.6" W, thence along the shoreline to the point of beginning.

(c) *Special Regulations.* (1) Section 165.33 (a), (e), and (f) do not apply to the following vessels or individuals on board those vessels:

(i) Public vessels of the United States.

(ii) Public vessels owned or operated by the Commonwealth of Virginia or its subdivisions for law enforcement or firefighting purposes.

(iii) Vessels owned by, operated by, or under charter to Newport News Shipbuilding and Dry Dock Co.

(iv) Vessels that are performing work at Newport News Shipbuilding and Dry Dock Co., including the vessels of subcontractors and other vendors of Newport News Shipbuilding and Dry Dock Co. or other persons that have a contractual relationship with Newport News Shipbuilding and Dry Dock Co.

(v) Vessels that are being built, rebuilt, repaired, or otherwise worked on at or by Newport News Shipbuilding and Dry Dock Co. or another person authorized to perform work at the shipyard.

(vi) Vessels that are authorized by Newport News Shipbuilding and Dry Dock Company to moor at and use its facilities.

(vii) Commercial shellfish harvesting vessels taking clams from the shellfish beds within the zone, if

(A) The owner of the vessel has previously provided the Captain of the Port, Hampton Roads, Virginia, information about the vessel, including:

(1) The name of the vessel;

(2) The vessel's official number, if documented, or state number, if numbered by a state issuing authority;

(3) A brief description of the vessel, including length, color, and type of vessel;

(4) The name, Social Security number, current address, and telephone number of the vessel's master, operator, or person in charge; and

(5) Upon request, information the vessel's crew.

(B) The vessel is operated in compliance with any specific orders issued to the vessel by the Captain of the Port or other regulations controlling the oper-

ation of vessels within the security zone that may be in effect.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the enforcement of this zone by the U.S. Navy.

[CGD5 86-03, 51 FR 18322, May 19, 1986, as amended by CGD5 87-038, 52 FR 41996, Nov. 2, 1987]

§ 165.510 Delaware Bay and River—regulated navigation area.

(a) *The following is a regulated navigation area:* The waters of Delaware Bay and River, south and southwest of the southern span of the Delaware Memorial Bridge, and inside the boundary line of inland waters described in § 80.325 of this chapter.

(b) *Regulation.* (1) Draft Limitation. Unless otherwise authorized by the Captain of the Port, no vessel with a draft greater than 55 feet may enter this regulated navigation area.

(2) Oil transfer operations. Unless otherwise authorized by the Captain of the Port, no vessel may conduct oil transfer operations in this regulated navigation area except in the anchorage ground designated in § 110.157(a)(1) of this chapter.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 165.515 Safety Zone: Cape Fear River, Wilmington, North Carolina.

(a) *Location.* The following area is a safety zone:

(1) The waters of the Cape Fear River bounded by a line connecting the following points:

Latitude	Longitude
34°14'12" N	77°57'10" W
34°14'12" N	77°57'06" W
34°13'54" N	77°57'00" W
34°13'54" N	77°57'06" W

(2) The safety zone boundary can be described as follows: starting at the stern of the Battleship USS NORTH CAROLINA, across the Cape Fear River to the north end of the Coast Guard moorings, down along the east bank of the Cape Fear River to the bow of the tug CAPTAIN JOHN TAXIS Memorial (Chandler's Wharf), back across the Cape Fear River to Eagle Island, and

then up along the west bank of the Cape Fear River to the stern of the Battleship USS NORTH CAROLINA.

(b) *Definitions.* The designated representative of the Captain of the Port is any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port, Wilmington, North Carolina to act on his behalf.

(c) *General information.* The Captain of the Port and the Duty Officer at the Marine Safety Office, Wilmington, North Carolina, can be contacted at telephone number (910) 343-4895. The Coast Guard Patrol Commander and the senior boarding officer on each vessel enforcing the safety zone can be contacted on VHF-FM channels 16 and 81.

(d) *Regulation.* Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(1) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(2) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a) of the section, but may not block a navigable channel.

(e) *Effective date.* The Captain of the Port will issue a Marine Safety Information Broadcast and a Notice to Mariners to notify the public when this section is in effect.

[59 FR 33200, June 28, 1994]

§ 165.530 Safety Zone: Cape Fear and Northeast Cape Fear Rivers, NC.

(a) *Location.* The following area is a moving safety zone during the specified conditions: The waters of the Cape Fear and Northeast Cape Fear Rivers for 500 yards ahead and astern, and 75 yards abeam of a vessel carrying hazardous materials when designated by the Captain of the Port Wilmington, North Carolina.

(b) *General Information.* (1) The Captain of the Port and the Duty Officer at the Marine Safety Office, Wilmington, North Carolina, can be contacted at telephone number (910) 343-4895. The Coast Guard Patrol Commander enforcing the safety zone can be contacted on VHF-FM channels 16 and 81.

(2) The Captain of the Port may authorize and designate any Coast Guard commissioned, warrant, or petty officer to act on his behalf in enforcing this safety zone.

(3) The Marine Safety Office Wilmington will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of loaded hazardous materials vessels via a marine broadcast Notice to Mariners.

(c) *Regulation.* The general regulations governing safety zones contained in § 165.23 apply.

[COTP Wilmington, NC 94-004, 59 FR 42759, Aug. 19, 1994]

SEVENTH COAST GUARD DISTRICT

§ 165.701 Vicinity, Kennedy Space Center, Merritt Island, Florida—security zone.

(a) The water, land, and land and water within the following boundaries are a security zone—The perimeter of the Cape Canaveral Barge Canal and the Banana River at 28°24'33"N, 80°39'48"W; then due west along the northern shoreline of the barge canal for 1,300 yards; then due north to 28°28'42"N, 80°40'30"W, on Merritt Island. From this position, the line proceeds irregularly to the eastern shoreline of the Indian River to a position 1,300 yards south of the NASA Causeway at 28°30'54"N, 80°43'42"W (the line from the barge canal to the eastern shoreline of the Indian River is marked by a three-strand barbed-wire fence), then north along the shoreline of the Indian River to the NASA Causeway at 28°31'30"N, 80°43'48"W. The line continues west on the southern shoreline of the NASA Causeway to NASA Gate 3 (permanent), then north to the northern shoreline of the NASA Causeway and east on the northern shoreline of the causeway back to the shoreline on Merritt Island at position 28°31'36"N,

80°43'42"W, then northwest along the shoreline to 28°41'01.2"N, 80°47'10.2"W. (Blackpoint); then due north to channel marker #6 on the Intracoastal Waterway (ICW), then northeast along the southern edge of the ICW to the western entrance to the Haulover Canal. From this point, the line continues northeast along the southern edge of the Haulover Canal to the eastern entrance to the canal; then due east to a point in the Atlantic Ocean 3 miles offshore at 28°44'42"N, 80°37'51"W; then south along a line 3 miles from the coast to Wreck Buoy "WR6", then to Port Canaveral Channel Lighted Buoy 10, then west along the northern edge of the Port Canaveral Channel to the northeast corner of the intersection of the Cape Canaveral Barge Canal and the ICW in the Banana River at 28°24'36"N, 80°38'42"W. The line continues north along the east side of the Intracoastal Waterway to daymarker '35' thence North Westerly one quarter of a mile south of NASA Causeway East (Orsino Causeway) to the shoreline on Merritt Island at position 28-30.95N, 80-37.6W, then south along the shoreline to the starting point.

(b) The area described in paragraph (a) of this section is closed to all vessels and persons, except those vessels and persons authorized by the Commander, Seventh Coast Guard District, or the COTP Jacksonville, Florida, whenever space vehicles are to be launched by the United States Government from Cape Canaveral.

(c) COTP Jacksonville, Florida, closes the security zone, or specific portions of it, by means of locally promulgated notices. The closing of the area is signified by the display of a red ball from a 90-foot pole near the shoreline at approximately 28°35'00"N, 80°34'36"W, and from a 90-foot pole near the shoreline at approximately 28°25'18"N, 80°35'00"W. Appropriate Local Notices to Mariners will also be broadcast on 2670 KHZ.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 7-82-10, 48 FR 11696, Mar. 21, 1983]

§ 165.703 Tampa Bay, Florida—Safety Zone.

(a) A floating safety zone is established consisting of an area 1000 yards

fore and aft of a loaded anhydrous ammonia vessel and the width of the channel in the following areas:

(1) For inbound tank vessels loaded with anhydrous ammonia, Tampa Bay Cut "F" Channel from Lighted Buoys "3F" and "4F" north through and including Gadsden Point Cut Lighted Buoy "3" and commencing at Gadsden Point Cut Lighted Buoys "7" and "8" north and including Hillsborough Cut "C" Channel.

(i) For vessels bound for R. E. Knight Pier at Hookers Point the safety zone includes, in addition to the area in paragraph (a)(1) of this section, Hillsborough Cut "D" Channel to the southern tip of Harbor Island.

(ii) For vessels bound for the anhydrous ammonia receiving terminals to Port Sutton the safety zone includes, in addition to the area in paragraph (a)(1) of this section, Port Sutton Channel.

(2) For outbound tank vessels loaded with anhydrous ammonia the safety zone is established when the vessel departs the receiving terminal and continues through the area described in paragraph (a)(1) of this section.

(3) The floating safety zone is established when the anhydrous ammonia carrier is safely moored at the anhydrous ammonia receiving facility.

(b) A safety zone is established which extends 150 feet waterside from an anhydrous ammonia vessel while it is moored at the receiving facilities at R. E. Knight on Hookers Point and W. R. Grace and International Metals and Chemicals at Port Sutton. Any vessels desiring to enter the safety zone must obtain authorization from the Captain of the Port Tampa. Vessels transiting in the vicinity of the safety zone should do so with as slow a speed as conditions permit.

(c) The general regulations governing safety zones contained in § 165.23 apply.

(d) The Marine Safety Office Tampa will notify the maritime community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of loaded anhydrous ammonia vessels via a marine broadcast Notice to Mariners.

(e) Should the actual time of entry of the anhydrous ammonia vessel into the

safety zone vary more than one half hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the anhydrous ammonia vessel shall obtain permission from Captain of the Port Tampa before commencing the transit.

(f) Prior to commencing the movement, the person directing the movement of the anhydrous ammonia vessel shall make a security broadcast to advise mariners of the intended transit. All additional security broadcasts as recommended by the U.S. Coast Pilot 5, ATLANTIC COAST shall be made through the transit.

(g) Vessels carrying anhydrous ammonia are permitted to enter and transit Tampa Bay and Hillsborough Bay and approaches during daylight hours only with a minimum of three miles visibility.

(h) The Captain of the Port Tampa may waive any of the requirements of this subpart for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of port safety or environmental safety.

(i) The owner, master, agent or person in charge of a vessel or barge, loaded with anhydrous ammonia shall report the following information to the Captain of the Port, Tampa at least twenty-four hours before entering Tampa Bay or its approaches or departing from Tampa Bay:

(1) Name and country of registry of the vessel or barge;

(2) The name of the port or place of departure;

(3) The name of the port or place of destination;

(4) The estimated time that the vessel is expected to begin its transit of Tampa Bay and the time it is expected to commence its transit of the safety zone.

(5) The cargo carried and amount.

[CGD7-85-32, 51 FR 28382, Aug. 7, 1986 as amended by CGD07-87-07, 52 FR 31763, Aug. 24, 1987]

§ 165.704 Tampa Bay, Florida, Safety Zone.

(a) A floating safety zone is established consisting of an area 500 yards

fore and aft of a loaded liquefied petroleum gas (LPG) vessel and the width of Tampa Bay Cut "J" channel from buoy "10J" (LLNR 1589) north and including Tampa Bay Cut "K" Channel to buoy "11K" (LLP 117). Vessels are not permitted to meet or pass the loaded LPG vessel when it transits these channels.

(b) When a loaded LPG vessel departs the marked channel at Tampa Bay Cut "K" buoy "11K" (LLP 117) enroute to Rattlesnake slip, Tampa, FL. the floating safety zone extends 500 yards in all directions surrounding the loaded LPG vessel, until it arrives at the entrance to Rattlesnake slip. While the loaded LPG vessel is maneuvering in the slip and until it is safely moored at Warren Petroleum, Rattlesnake slip the floating safety zone extends 150 feet fore and aft of the loaded LPG vessel and the width of the slip. Moored vessels are allowed within the parameters of the 150 foot safety zone.

(c) The floating safety zone is disestablished when the LPG vessel is safely moored at the LPG receiving facility at Warren Petroleum, Rattlesnake slip.

(d) A fixed safety zone is established when an LPG vessel is safely moored at Warren Petroleum, extending 50 feet waterside from the vessel. Vessels are permitted to pass the moored LPG vessel; so long as they do not enter the fixed safety zone, and proceed only with extreme caution at the slowest safe speed possible. Vessels may not enter the fixed safety zone without the permission of the Captain of the Port Tampa.

(e) For an outbound vessel loaded with LPG, the floating safety zone is established when the vessel departs from the receiving facility and continues through the areas described in (a) and (b) above.

(f) The general regulations governing safety zones contained in § 165.23 apply.

(g) The Marine Safety Office Tampa will notify the maritime community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a marine broadcast Notice to Mariners.

(h) The owner, master, agent or person in charge of a vessel or barge, loaded with LPG shall report the following

information to the Captain of the Port, Tampa at least twenty-four hours before entering Tampa Bay or its approaches:

(1) Name and country of registry of the vessel or barge;

(2) The name of the port or place of departure;

(3) The name of the port or place of destination;

(4) The estimated time that the vessel is expected to begin its transit of Tampa Bay and the time it is expected to commence its transit of the safety zone.

(5) The cargo carried and amount.

(i) Should the actual time of entry of the LPG vessel into the safety zone area vary more than one half (½) hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the LPG vessel shall obtain permission from the Captain of the Port Tampa before commencing the transit.

(j) Prior to commencing the movement, the person directing the movement of the LPG vessel shall make a security broadcast to advise mariners of the intended transit. All additional security broadcasts as recommended by the U.S. Coast Pilot 5 Atlantic Coast shall be made throughout the transit.

(k) Vessels carrying LPG are permitted to enter and transit Tampa Bay and approaches only with a minimum of three miles visibility.

(l) The Captain of the Port Tampa may waive any of the requirements of this support for any vessel or class of vessel upon finding that the operational conditions of a vessel or class of vessels, or other circumstances are such that application of this subpart is unnecessary or impractical for the purposes of port safety or environmental safety.

[CCGD7-86-06, 52 FR 2690, Jan. 26, 1987]

§ 165.T0704 Safety Zone: Savannah River, Savannah, Georgia.

(a) *Location.* The following area is a safety zone: Two hundred foot radius around Garden City Terminal, approximate position 32 degrees 8 minutes, N, 81 degrees 9.5 minutes W, and around all cargo ships loaded with military equipment and transiting the Savannah River.

(b) *Effective dates.* This regulation becomes effective at 12 p.m. 14 December 1990 until terminated by the Captain of the Port, Savannah, GA.

(c) *Regulation.* In accordance with the general regulations in § 165.23 of this part, entry into the zone is subject to the following requirements.

(1) All persons and vessels in the vicinity of the safety zone shall immediately obey any direction or order of the Captain of the Port or a representative of the Captain of the Port.

(2) The "representative of the Captain of the Port" is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port, Savannah, GA to act on his behalf. A representative of the Captain of the Port may be contacted on board any Coast Guard vessel assigned to enforce the safety zone.

(3) Before entering the safety zone, a vessel operator shall contact the Captain of the Port or a representative of the Captain of the Port to determine what restrictions, if any, have been imposed on vessels in the safety zone. The Captain of the Port may be contacted by telephone via the Command Duty Officer at (912) 944-4371. Coast Guard vessels assisting in the enforcement of the safety zone may be contacted on VHF-FM channels 13 or 16, or vessel operators may determine restrictions in effect for the safety zone by coming alongside a Coast Guard vessel patrolling the perimeter of the safety zone.

(4) The Captain of the Port will issue a Marine Safety Information Broadcast Notice to Mariners to Notify the maritime community of the safety zone and restrictions imposed.

[Reg. 90-129, 55 FR 52272, Dec. 21, 1990]

EDITORIAL NOTE: At 55 FR 52272, Dec. 21, 1990, § 165.T0704 was added. This is an emergency temporary rule and will remain in effect until terminated by the Captain of the Port Savannah, GA.

§ 165.705 Port Canaveral Harbor, Cape Canaveral, Florida.

(a) Security Zone A—East (Trident) Basin, Port Canaveral Harbor, at Cape Canaveral Air Force Station, Brevard County, Florida. All waters of the East Basin north of latitude 28°24'36"N.

(b) Security Zone B—Middle Basin, Port Canaveral Harbor, adjacent to the

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Navy wharf at Cape Canaveral Air Force Station, Brevard County, Florida. The waters of Port Canaveral Harbor within a line circumscribing the water approaches to the Navy wharf along the northeasterly edge of the Port Canaveral Harbor turning basin at a distance of 200 feet from all portions of the wharf including the dolphins located 200 feet off the northwest end and 75 feet off the southeast end of the wharf.

(c) Entrance into these zones by vessels other than vessels owned or leased by the United States is prohibited without permission of the Captain of the Port, Jacksonville, Florida.

(d) The general regulations governing security zones contained in 33 CFR 165.33 apply.

[CGD7 87-38, 53 FR 38718, Oct. 3, 1988; CGD7 87-38, 54 FR 611, Jan. 9, 1989; CGD7 89-21, 54 FR 26198, June 22, 1989]

§ 165.708 Safety/Security Zone; Charleston Harbor and Cooper River, Charleston, SC.

(a) *Regulated area.* The following boundaries are established as a safety and security zone during specified conditions:

(1) All waters 200 yards ahead and astern and 100 yards to each side of a vessel transporting nuclear materials while the vessel transits from Charleston Harbor Entrance Buoy "C" (LLNR 1885, position 32-39.6N, 079-40.9W) to the Charleston Naval Weapons Station (position 32-55.4N, 079-56.0W) on the Cooper River. All coordinates referenced use datum: NAD 1983.

(2) All waters within 100 yards of the vessel described in paragraph (a)(1) of this section while the vessel is conducting cargo operations at the Charleston Naval Weapons Station.

(b) Captain of the Port Charleston will announce the activation of the safety/security zones described in paragraph (a) of this section by Broadcast Notice to Mariners. The general regulations governing safety and security zones contained in §§165.23 and 165.33 apply.

[COTP Charleston 96-034, 61 FR 68156, Dec. 27, 1996]

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§ 165.709 Egmont Channel, Tampa Bay, FL—regulated navigation area.

(a) The following is a regulated navigation area: Waters within the boundaries of a line beginning at 27-36-37N, 082-48-43W; thence to 27-36-15N, 082-52-10W; thence to 27-36-07N, 082-52-10W; thence to 27-36-30N, 082-48-42W; and thence to the beginning point.

(b) A vessel which requires use of the channel due to its draft shall not meet or overtake a vessel with a draft of 36 feet or greater within the regulated area.

(c) A vessel with a draft of 36 feet or greater must make a security broadcast 30 minutes prior to entering the regulated area.

[CGD07-93-009, 59 FR 56396, Nov. 14, 1994]

§ 165.711 Safety Zone: Port Everglades, Fort Lauderdale, FL.

(a) *Regulated Area.* A moving safety zone is established in the following area:

(1) The waters around naval aircraft carriers entering Port Everglades in an area 700 yards forward, 500 yards astern and 350 yards on either side of each vessel, beginning at the Port Everglades Sea Buoy in approximate position 26°05.5'N, 80°04.8'W and continuing until the vessel is safely moored in approximate position 26°04.9'N, 80°06.9'W. All coordinates referenced use datum: NAD 83.

(2) The waters around naval aircraft carriers departing Port Everglades in an area 700 yards forward, 500 yards astern and 350 yards on either side of each vessel beginning at the Pier in approximate position 26°04.9'N, 80°06.9'W, and continuing until the stern passes the Port Everglades Sea Buoy, in approximate position 26°05.5'N, 80°04.8'W. All coordinates referenced use datum: NAD 83.

(b) *Regulations.* (1) No person or vessel may enter, transit, or remain in the safety zone unless authorized by the Captain of the Port, Miami, Florida, or a Coast Guard commissioned, warrant, or petty officer designated by him.

(2) Vessels encountering emergencies which require transit through the moving safety zone should contact the Coast Guard patrol craft on VHF Channel 16. In the event of an emergency,

the Coast Guard patrol craft may authorize a vessel to transit through the safety zone with a Coast Guard designated escort.

(3) All persons and vessels shall comply with the instructions of on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

[COTP MIAMI 96-054, 62 FR 32201, June 13, 1997]

EFFECTIVE DATE NOTE: By COTP MIAMI 96-054, 62 FR 32201, June 13, 1997, §165.711 was added, effective July 14, 1997.

§165.713 Safety Zone, Ashley River, Charleston, South Carolina.

(a) *Location.* The following area is a safety zone: An area in the Ashley River across its entire width along the river frontage of Brittlebank Park from the upper/northern U.S. highway 17 Bascule Bridge to red nun buoy "6", centering at Latitude 32°-47.2'N Longitude 78°-57.8'W. The fireworks will be launched from a barge moored in the Ashley River.

(b) *Effective Date.* The safety zone becomes effective on July 4 each year at 8 p.m. EDT. It terminates at the conclusion of the fireworks display at approximately 10:30 p.m. EDT, on July 4 each year, unless sooner terminated by the Captain of the Port.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Charleston, South Carolina.

[COTP Charleston Reg. 91-13, 56 FR 30508, July 3, 1991]

§165.T07-013 Security Zone: Internal waters and territorial seas adjacent to Florida south of 26°19'N latitude.

(a) *Location.* The following area is established as a security zone: All U.S. internal waters and territorial seas adjacent to the State of Florida south of 26°19'N latitude. In general these are the U.S. internal waters and territorial seas adjacent to Collier, Dade, Monroe and Broward Counties of the State of Florida.

(b) *Applicability.* This section applies to non-public vessels less than 50 meters (165 feet) in length and all associated auxiliary vessels within the security zone, but shall not apply to foreign flagged vessels in innocent passage in the territorial sea of the United States. For the purpose of this section, an "auxiliary vessel" includes every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water attached to, or embarked in, another vessel to which this section applies.

(c) *Regulations.* (1) The general regulations in §165.33 of this part do not apply to this security zone.

(2) Non-public vessels less than 50 meters (165 feet) in length and persons on board those vessels may not get underway from a berth, pier, mooring or anchorage in the security zone, or depart from the security zone, with the intent to enter Cuban territorial waters without express written authorization from one of the following officials or their designees: Commander, Seventh Coast Guard District; the Captain of the Port Miami; or the Captain of the Port Tampa. The aforementioned officials may issue orders to control the movement of vessels to which this section applies.

(3) Where there is an articulable basis to believe a vessel to which this section applies intends to enter Cuban territorial waters, an above referenced official may require the master, owner, or person in charge of a vessel within the security zone, including all auxiliary vessels, to provide verbal assurance that the vessel will not enter Cuban territorial waters as a condition for a vessel to get underway from a berth, pier, mooring, or anchorage in the security zone, or depart from the security zone. In addition, an above referenced official may require the master, owner, or person in charge of the vessel to identify all persons on board the vessel and provide verbal assurances that all persons on board have received actual notice of these regulations.

(4) The owner or person in charge of the vessel shall maintain the express written authorization for the vessel on board the vessel.

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(d) *Enforcement.* (1) Vessels or persons violating this section may be subject to:

- (i) Seizure and forfeiture of the vessel;
- (ii) A monetary penalty of not more than \$10,000; and
- (iii) Imprisonment for not more than 10 years.

(2) Violation of 18 U.S.C. §1001 may result in imprisonment for not more than five years or a fine, or both.

(e) This section implements Presidential Proclamation No. 6867. This section is issued under the authority delegated in Department of Transportation Order No. 96-3-7.

[CGD07-96-013, 62 FR 25391, May 14, 1997]

§ 165.714 Regulated Navigation Area; Atlantic Ocean, Charleston, SC

(a) *Location.* The following area is a Regulated Navigation Area: A trapezoid at the water surface, and the entire water column from surface to seabed inclusive of the vessel, bounded by the following four coordinates:

	Latitude	Longitude
Western boundary.	32°42'56" N	79°47'34" W
Southern boundary.	32°42'32" N	79°46'42" W
Eastern boundary.	32°43'26" N	79°45'27" W
Northern boundary.	32°43'56" N	79°46'08" W

(NAD 83)

(b) *Regulations.* In accordance with the general regulations in §165.23 of this part, all vessels and persons are prohibited from anchoring, diving, laying cable or conducting salvage operations in this zone except as authorized by the Captain of the Port.

[CGD 07-95-054, 60 FR 45047, Aug. 30, 1995]

§ 165.720 Safety/Security Zone: St. Johns River, Jacksonville, FL

(a) *Location.* The water and the land within the following boundaries are established as a safety and security zone during specified conditions:

(1) All waters within 200 yards of Blount Island, Jacksonville, Florida and all adjacent land within 100 yards of the island shoreline during staging of Department of Defense equipment

and during the loading/unloading of military supply vessels.

(2) All waters within 200 yards of "any" waterfront facility at which a laden military vessel is located and all land at the facility, including docks and piers, within 100 yards of the St. Johns River.

(3) All waters within 200 yards of any specified military supply vessel during its transit of the St. Johns River and out to three (3) nautical miles offshore.

(b) *Regulations.* (1) For public notice, the zone described in paragraph (a)(1) of this section is effective beginning 11 December 1990 and will remain in force until cancelled by the Captain of the Port Jacksonville, Florida.

(2) The COTP Jacksonville may activate, as necessary, any portion of the safety/security zone described in paragraphs (a)(2) and (a)(3) of this section by means of locally promulgated broadcast notice to mariners. Once implemented, neither overtaking nor meeting situations will be allowed during specified vessel transits.

(3) In accordance with the general regulations governing safety and security zones contained in 33 CFR 165.23 and 165.33 of this part, entry into any portion of the described zone is prohibited unless authorized by the Captain of the Port Jacksonville, Florida.

(4) This regulation does not apply to authorized law enforcement agencies operating within the safety/security zone.

[COTP Jacksonville, FL Reg. 90-124, 55 FR 51700, Dec. 17, 1990]

§ 165.721 Safety Zone: St. Johns River, Jacksonville, FL

(a) *Location.* The following area is established as a safety zone during the specified conditions: The waters within a 500 yard radius of the fireworks barge or barges during the storage, preparation, and launching of fireworks in the St. Johns River between the Hart and Acosta Bridges.

(b) *Effective dates.* This section becomes effective upon activation by the Captain of the Port by the broadcasting of a local Notice to Mariners on appropriate VHF-FM radio frequencies. It terminates at the conclusion of the fireworks display unless terminated earlier by the Captain of the Port.

(c) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, anchoring, mooring or transiting in this zone is prohibited unless authorized by the Captain of the Port or District Commander.

(2) This regulation does not apply to authorized law enforcement agencies operating within the Safety Zone.

[COTP Jacksonville Reg. 94-027, 59 FR 55584, Nov. 8, 1994]

§ 165.722 Security Zone: St. Johns River, Jacksonville, Florida.

(a) Location. The water located within the following area is established as a security zone: beginning at the shoreline of the St. Johns River at the northernmost property line of Naval Air Station Jacksonville next to Timuquana Country Club, at 30°14'39.5" N, 81°40'45" W; thence northeasterly to 30°14'42" N, 81°40'42" W; thence south remaining 400 feet from the shoreline at mean high water; thence past Piney Point and Black Point to the northern edge of Mulberry Cover Manatee refuge, 400 feet from Naval Air Station Jacksonville boat ramp, at 30°13'00" N, 81°40'23.5" W; thence southwesterly in a straight line to position 30°12'14" N, 81°40'42" W; thence southerly, remaining 400' seaward of the mean high water shoreline to 30°11'40" N, 81°41'15.5" W; thence northwest to the point at the end of the property line of Naval Air Station Jacksonville just north of the Buckman Bridge at position 30°11'42.30" N, 81°41'23.66" W; thence northeasterly along the mean high water shoreline of the St. Johns River and Mulberry Cove to the point of beginning. Datum: NAD 83

(b) In accordance with the general regulations in § 165.33 of this part, no person or vessel may enter or remain in the zone without the permission of the Captain of the Port Jacksonville, Florida. All other portions of § 165.33 remain applicable.

(c) This regulation does not apply to Coast Guard vessels and authorized law enforcement vessels operating within the Security Zone.

[COTP Jacksonville Reg. 93-115, 60 FR 65571, Dec. 20, 1995]

§ 165.728 Jacksonville, Florida—safety zones.

(a) The water, land, and land and water within the following boundaries are established as safety zones during the specified conditions:

(1) *Zone A.* 200 yards in all directions around any specified Maritime Prepositioned Ship as it transits between the St. Johns River entrance sea buoy (STJ) and its berth inside the Mayport Basin (Ribault Bay), Mayport, Florida. The prescribed safety zone will also be in effect as the vessel transits to its berth at Blount Island Marine Terminal, Jacksonville, Florida.

(2) *Zone B.* 100 yards in all directions on land and 200 yards on water from the eastern end of Transit Shed #2 to the east shore of Alligator Creek at Blount Island Terminal, Jacksonville, Florida.

(3) *Zone C:* 100 yards in all directions on land from Gate berth #1 and all waters within the Back River (locally known as the Gate Slip) on Blount Island, Jacksonville, Florida, commencing from a line drawn between the southwesterly most shore point latitude 30°23'34", longitude 81°30'52" and the southeasterly most shore point latitude 30°23'38", longitude 81°30'36".

(b) The areas described in paragraph (a) of this section may be closed to all vessels and persons, except those vessels and persons authorized by the Commander, Seventh Coast Guard District or the Captain of the Port, Jacksonville, Florida, whenever specified Maritime Prepositioned Ships are transiting the St. Johns River (Zone A), moored at Blount Island (Zone B), or moored at Gate Terminal (Zone C).

(c) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(d) The Captain of the Port Jacksonville, Florida will activate the safety zones or specific portions of them by issuing a local broadcast notice to mariners. The closing of the area at Blount Island, described above, will be signified by the display of a rotating yellow light located on the waterfront at Blount Island Marine Terminal or at the Gate Terminal Berth #1.

[CGD7 87-15, 52 FR 23442, June 22, 1987, as amended by CGD7 91-33, 56 FR 22826, May 17, 1991]

§ 165.729 Jacksonville Harbor, Florida—security zone.

(a) The water, land, and land and water within the following boundaries are established as security zones during the specified conditions:

(1) *Zone A.* 200 yards in all directions around any specified Maritime Prepositioned Ship as it transits between the St. Johns River entrance sea buoy (STJ) and its berth inside the Mayport Naval Basin (Ribault Bay), Mayport, Florida. The prescribed security zone will also be in effect as the vessel transits to its berth at Blount Island Marine Terminal, Jacksonville, Florida.

(2) *Zone B.* 100 yards in all directions on land and 200 yards on water from the eastern end of Transit Shed #2 to the east shore of Alligator Creek at Blount Island Terminal, Jacksonville, Florida.

(3) *Zone C:* 100 yards in all directions on land from Gate berth #1 and all waters within the Back River (locally known as the Gate Slip) on Blount Island, Jacksonville, Florida, commencing from a line drawn between the southwesterly most shore point latitude 30°23'34", longitude 81°30'52" and the southeasterly most shore point latitude 30°23'38", longitude 81°30'36".

(b) The areas described in paragraph (a) of this section shall be closed to all vessels and persons, except those vessels and persons authorized by the Commander, Seventh Coast Guard District or the Captain of the Port, Jacksonville, Florida, whenever specified Maritime Prepositioned Ships are transiting the St. Johns River (Zone A), moored at Blount Island (Zone B), or moored at Gate Terminal (Zone C).

(c) The general regulations governing security zones contained in 33 CFR 165.33 apply.

(d) The Captain of the Port Jacksonville, Florida will activate the security zones or specific portions of them by issuing a local broadcast notice to mariners. The closing of the area at Blount Island, described above, will be signified by the display of a rotating yellow light located on the waterfront at

Blount Island Marine Terminal or at the Gate Terminal Berth #1.

[CGD7 87-16, 52 FR 23443, June 22, 1987, as amended by CGD7 91-34, 56 FR 22827, May 17, 1991]

§ 165.730 King's Bay, Georgia—Regulated navigation area.

Vessels transiting in the water bounded by the line connecting the following points must travel no faster than needed for steerageway:

<i>Latitude</i>	<i>Longitude</i>
30°48'00.0" N	081°29'24.0" W
30°46'19.5" N	081°29'17.0" W
30°47'35.0" N	081°30'16.5" W

and thence to the point of beginning

[CGD7 92-41, 58 FR 38057, July 15, 1993]

§ 165.731 Safety/Security Zone: Cumberland Sound, Georgia and St. Marys River Entrance Channel.

(a) *Location.* A permanent safety/security zone is established within the following coordinates, the area enclosed by a line starting at

30°44'55" N, 081°29'39" W; thence to 30°44'55" N, 081°29'18" W; thence to 30°46'35" N, 081°29'18" W; thence to 30°47'02" N, 081°29'34" W; thence to 30°47'21" N, 081°29'39" W; thence to 30°48'00" N, 081°29'42" W; thence to 30°49'07" N, 081°29'56" W; thence to 30°49'55" N, 081°30'35" W; thence to 30°50'15" N, 081°31'08" W; thence to 30°50'14" N, 081°31'30" W; thence to 30°49'58" N, 081°31'45" W; thence to 30°49'58" N, 081°32'03" W; thence to 30°50'12" N, 081°32'17" W; thence following the land based perimeter boundary to the point of origin.

(b) A temporary safety/security zone, when activated by the Captain of the Port, Jacksonville, Florida, encompasses all waters and land from bank to bank within Cumberland Sound and the St. Marys Entrance Channel: the northern extent of this zone starts at the southern tip of Crab Island; lighted buoy number "1" at the mouth of the Amelia River demarks the southern boundary; day marker number "2" at the mouth of the St. Marys River indicates the western boundary; and the eastern boundary extends out to three (3) nautical miles in the Atlantic

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Ocean, with the zone also encompassing the waters within 1000 yards of the entrance channel east of the jetties.

(c) *Regulations.* (1) The Captain of the Port, Jacksonville, Florida will activate the temporary safety/security zone described in paragraph (b) of this section by issuing a local broadcast notice to mariners.

(2) All persons and vessels in the vicinity of the safety/security zone shall immediately obey any direction or order of the Captain of the Port, Jacksonville, Florida.

(3) The general regulations governing safety and security zones contained in 33 CFR 165.23 and .33 apply. No person or vessel may enter or remain within the designated zones without the permission of the Captain of the Port, Jacksonville, Florida.

(4) This regulation does not apply to persons or vessels operating under the authority of the United States Navy nor to authorized law enforcement agencies.

[COTP Jacksonville Reg. 90-94, 55 FR 42374, Oct. 19, 1990]

	Latitude	Longitude		Latitude	Longitude
1:	27-56-20.5 N	082-26-42.0 W	to	27-56-19.3 N	82-26-37.5 W
2:	27-55-32.0 N	082-26-54.0 W	to	27-55-30.9 N	82-26-49.1 W

(b) Ships requiring Federal or State pilotage shall not meet or overtake other like vessels in Sparkman Channel.

(c) Vessels having a draft of more than 35.5 feet may not transit Sparkman Channel.

(d) Vessels having a draft of 34.5 feet, but not over 35.5 feet, may transit Sparkman Channel only when the tide is at least one foot above mean low water.

(e) Vessels with a draft of 30 feet or greater shall transit as near as possible to the center of the channel.

[CGD7 90-52, 56 FR 36005, July 30, 1991]

§ 165.735 Brunswick, Georgia, Turtle River, Vicinity of Sydney Lanier Bridge.

Except during the flood tide, every vessel over 500 GRT departing the Port of Brunswick for sea shall do so only from the Turtle River, so as to be shaped up for bridge transit:

(a) Before reaching Turtle River Buoy "1" (Light List Number 6050); or,

(b) Before reaching the intersection of Brunswick Harbor Range and Turtle River Lower Range, provided that the vessel:

(1) Be equipped with an operable bow thruster or have tug assistance; and

(2) Be stopped and maneuvered with no appreciable way on until aligned with the centerline axis of the Turtle River Channel.

[CGD7 87-27, 52 FR 48811, Dec. 28, 1987]

§ 165.752 Sparkman Channel, Tampa, Florida—regulated navigation area.

(a) A regulated navigation area is established to protect vessels from limited water depth in Sparkman Channel caused by an underwater pipeline. The regulated navigation area is in Sparkman Channel between the lines connecting the following points (referenced in NAD 83):

§ 165.753 Regulated navigation area; Tampa Bay, Florida.

(a) The following is a regulated navigation area (RNA): All the navigable waters of Tampa Bay, Hillsborough Bay and Old Tampa Bay, including all navigable waterways tributary thereto. Also included are the waters of Egmont Channel, Gulf of Mexico from Tampa Bay to the seabuoy, Tampa Lighted Whistle Buoy T, LLNR 18465.

(b) The master, pilot, or person in charge of any vessel of 50 meters or greater shall give a Navigational Advisory Broadcast in accordance with 47 CFR 80.331 on VHF-FM channel 13 at the following broadcast/reporting points:

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(1) Prior to getting underway from any berth or anchorage;

(2) Prior to entering Egmont Channel from seaward;

(3) Prior to passing Egmont Key in any direction;

(4) Prior to transiting the Skyway Bridge in either direction;

(5) Prior to transiting the intersection of Tampa Bay Cut F Channel, Tampa Bay Cut G Channel, and Gadsden Point Cut Channel;

(6) Prior to anchoring or approaching a berth for docking;

(7) Prior to tending hawser;

(8) Prior to transiting Point Pinellas Channel Light 1 in either direction.

(c) Each Navigational Advisory required by this section shall be made in the English language and will contain the following information:

(1) The words "Hello all vessels, a Navigational Advisory follows";

(2) Name of vessel;

(3) If engaged in towing, the nature of the tow;

(4) Direction of Movement;

(5) Present location; and,

(6) The nature of any hazardous conditions as defined by 33 CFR 160.203.

(d) Nothing in this section shall supersede either the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) or the Inland Navigation Rules, as applicable, or relieve the Master or person in charge of the vessel of responsibility for the safe navigation of the vessel.

[CGD07-94-094, 60 FR 58519, Nov. 28, 1995]

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§ 165.802 Lower Mississippi River vicinity of Old River Control Structure—Safety Zone.

(a) The area enclosed by the following boundary is a safety zone—from the Black Hawk Point Light, mile 316.1 AHP LMR to a point opposite Ft. Adams Light, mile 311.5 AHP along the low water reference plane above the right descending bank; thence to the levee on a line perpendicular to the channel centerline; thence along the levee to the upstream end of the Old River Overbank structure; thence along a line to the Black Hawk Point Light.

(b) Any vessel desiring to enter this safety zone must first obtain permission from the Captain of the Port, New Orleans. The resident engineer at Old River Control Structure (WUG-424) is delegated the authority to permit entry into this safety zone.

[CGD8-87-10, 53 FR 15207, Apr. 28, 1988, as amended by CGD8 89-03, 54 FR 16108, Apr. 21, 1989]

§ 165.803 Mississippi River—regulated navigation area.

The following is a Regulated Navigation Area—The waters of the Mississippi River between miles 88 and 240 above Head of Passes.

(a) Definitions. As used in this section:

(1) *Breakaway* means a barge that is adrift and is not under the control of a towing vessel.

(2) *COTP* means the Captain of the Port, New Orleans.

(3) *Fleet* includes one or more tiers.

(4) *Fleeting facility* means the geographic area along or near a river bank at which a barge mooring service, either for hire or not for hire, is established.

(5) *Mooring barge* or *spar barge* means a barge moored to mooring devices and to which other barges may be moored.

(6) *Mooring device* includes a deadman, anchor, pile or other reliable holding apparatus.

(7) *Person in charge* includes any owner, agent, pilot, master, officer, operator, crewmember, supervisor, dispatcher or other person navigating, controlling, directing or otherwise responsible for the movement, action, securing, or security of any vessel, barge, tier, fleet or fleeting facility subject to the regulations in this section.

(8) *Tier* means barges moored interdependently in rows or groups.

(b) Waivers:

(1) The COTP may, upon written request, except as allowed in paragraph (3) of this subsection, waive any regulation in this section if it is found that the proposed operation can be conducted safely under the terms of that waiver.

(2) Each written request for a waiver must state the need for the waiver and describe the proposed operation.

(3) Under unusual circumstances due to time constraints, the person in charge may orally request an immediate waiver from the COTP. The written request for a waiver must be submitted within five working days after the oral request.

(4) The COTP may, at any time, terminate any waiver issued under this subsection.

(c) Emergencies. In an emergency, a person may depart from any regulation in this section to the extent necessary to avoid immediate danger to persons, property or the environment.

(d) Mooring: General.

(1) No person may secure a barge to trees or to other vegetation.

(2) No person may allow a barge to be moored with unraveled or frayed lines or other defective or worn mooring.

(3) No person may moor barges side to side unless they are secured to each other from fittings as close to each corner of abutting sides as practicable.

(4) No person may moor barges end to end unless they are secured to each other from fittings as close to each corner of abutting ends as practicable.

(e) *Mooring to a mooring device.* (1) A barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device and the downstream end is secured to at least one other mooring device, except that from mile 127 to mile 240 a barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device.

(2) Barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device, and the shoreward barge at the downstream end of the tier is secured to at least one other mooring device, except that from mile 127 to mile 240 barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device.

(3) Each wire rope used between the upstream end of a barge and a mooring device must have at least a diameter of 1¼ inch. Chain or line used between the upstream end of a barge and a mooring device must be at least equivalent in

strength to 1¼ inch diameter wire rope.

(4) Each wire rope used between the downstream end of a barge and a mooring device must have at least a diameter of ⅞ inch. Chain or line used between the downstream end of a barge and a mooring device must be of at least equivalent strength of ⅞ inch diameter wire rope.

(f) Moorings: Barge-to-barge; barge-to-vessel; barge-to-wharf or pier. The person in charge shall ensure that a barge moored to another barge, a mooring or spar barge, a vessel, a wharf, or a pier, is secured as near as practicable to each abutting corner of the barge being moored by:

(1) Three parts of wire rope of at least ⅞ inch diameter with an eye at each end of the rope passed around the timberhead, caval, or button;

(2) A mooring of natural or synthetic fiber rope that has at least 75 percent of the breaking strength of three parts of ⅞ inch diameter wire rope; or

(3) Fixed rigging that is at least equivalent to three parts of ⅞ inch diameter wire rope.

(g) Mooring: Person in charge.

(1) The person in charge of a barge, tier, fleet or fleeting facility shall ensure that the barge, tier, fleet or fleeting facility meets the requirements in paragraphs (d) and (e) of this section.

(2) The person in charge shall ensure that all mooring devices, wires, chains, lines and connecting gear are of sufficient strength and in sufficient number to withstand forces that may be exerted on them by moored barges.

(h) Fleeting facility: inspection of moorings.

(1) The person in charge of a fleeting facility shall assign a person to inspect moorings in accordance with the requirements in paragraph (h)(2) of this section.

(2) The person assigned to inspect moorings shall inspect:

(i) At least twice each day during periods that are six hours or more apart, each mooring wire, chain, line and connecting gear between mooring devices and each wire, line and connecting equipment used to moor each barge; and

(ii) After a towboat adds barges to, withdraws barges from, or moves

barges at a fleeting facility, each mooring wire, line, and connecting equipment of each barge within each tier affected by that operation.

(3) The person who inspects moorings shall take immediate action to correct each deficiency.

(i) **Fleeting facility: Records.** The person in charge of a fleeting facility shall maintain, and make available to the Coast Guard, records containing the following information:

(1) The time of commencement and termination of each inspection required in paragraph (h)(2) of this section.

(2) The name of each person who makes the inspection required in paragraph (h)(2) of this section.

(3) The identification of each barge entering and departing the fleeting facility, along with the following information:

(i) Date and time of entry and departure; and

(ii) The names of any hazardous cargo which the barge is carrying.

NOTE: The requirements in paragraph (i)(3) of this section for the listing of hazardous cargo refer to cargoes regulated by Subchapters D and O of Chapter I, Title 46, Code of Federal Regulations.

(j) **Fleeting facility: Surveillance.**

(1) The person in charge of a fleeting facility shall assign a person to be in continuous surveillance and to observe the barges in the fleeting facility. Joint use of this person by adjacent facilities may be considered upon submission of a detailed proposal for a waiver to the COTP.

(2) The person who observes the barges shall:

(i) Inspect for movements that are unusual for properly secured barges; and

(ii) Take immediate action to correct each deficiency.

(k) **Fleeting facility: person in charge.** The person in charge of a fleeting facility shall ensure that each deficiency found under the requirements of paragraph (h) or (j) of this section is corrected.

(l) **Securing breakaways.** The person in charge shall take immediate action to:

(1) Secure each breakaway; and

(2) Report each breakaway as soon as possible to the COTP by telephone, radio or other means of rapid communication.

(m) **High water.**

(1) This subsection applies to barges on the Mississippi River between miles 88 and 240 above Head of Passes when:

(i) The Carrollton gage stands 12 feet or more; or

(ii) The Carrollton gage stands 10 feet, the U.S. Army Corps of Engineers forecasts the Mississippi River is rising to 12 feet, and the District Commander determines these circumstances to be especially hazardous and issues orders directing that paragraphs (m)(2) and (3) of this section are in effect.

(2) During high water, the person in charge of a fleeting facility shall ensure compliance with the following requirements:

(i) Each fleet consisting of eight or more barges must be attended by at last one radar-equipped towboat for each 100 barges or less. Joint use of this towboat by adjacent facilities may be considered upon submission of a detailed proposal for a waiver.

(ii) Each fleet must have two or more towboats in attendance when:

(A) Barges are withdrawn from or moved within the fleet and the fleet at the start of the operation contains eight or more barges; or

(B) Barges are added to the fleet and the number of barges being added plus the fleet at the start of the operation total eight or more.

(iii) Each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section must be:

(A) Capable of safely withdrawing, moving or adding each barge in the fleet;

(B) Immediately operational;

(C) Radio-equipped;

(D) Within 500 yards of the barges; and

(iv) The person in charge of each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section shall maintain:

(A) A continuous guard on the frequency specified by current Federal Communications Commission regulations found in Part 83 of Title 47, Code of Federal Regulations; and

(B) When moored, a continuous watch on the barges in the fleeting facility.

(v) During periods when visibility is less than 200 yards, the person in charge of each towboat required in paragraph (m)(2)(i) of this subsection shall maintain, when moored, a continuous radar surveillance of the barges moored in the fleeting facility.

(3) During high water when visibility is reduced to less than 200 yards:

(i) Tows may not be assembled or disassembled;

(ii) No barge may be added to, withdrawn from or moved within a fleet except:

(A) A single barge may be added to or withdrawn from the channelward or downstream end of the fleet; and

(B) Barges made up in a tow may depart a fleet from the channelward or downstream end of the fleet; and

(iii) No person in charge of a tow arriving in this regulated navigation area may moor unless the COTP is notified prior to arrival in the regulated navigation area.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 82-020, 47 FR 35483, Aug. 16, 1982; CGD 79-026, 48 FR 35408, Aug. 4, 1983; CGD 88-075, 54 FR 14958, Apr. 14, 1989; CGD08-94-006, 59 FR 21935, Apr. 28, 1994; CGD08-94-006, 60 FR 37944, July 25, 1995]

§ 165.804 Snake Island, Texas City, Texas; mooring and fleeting of vessels—safety zone.

(a) The following is a safety zone:

(1) The west and northwest shores of Snake Island;

(2) The Turning Basin west of Snake Island;

(3) The area of Texas City Channel from the north end of the Turning Basin to a line drawn 000° true from the northwesternmost point of Snake Island.

(b) Special regulations. All vessels are prohibited from mooring, anchoring, or otherwise stopping in the safety zone, except in case of an emergency.

(c) Barges are prohibited from fleeting or grounding in the zone.

(d) In an emergency, vessels shall advise the Captain of the Port, Galveston, of the nature of the emergency via the most rapid means available.

§ 165.805 Calcasieu Channel and Industrial Canal, Calcasieu River, Lake Charles, LA.

(a) The waters and waterfront facility located within the area described by the following boundaries constitutes a safety zone:

(1) When a Liquefied Natural Gas (LNG) vessel is moored at Trunkline LNG facility: Beginning at the west side property line at position 30 06'38"N, 93 17'34"W, a line extending in an eastward direction and 50 feet from shore to a point 50 feet west of mooring dolphin #1; then due south to a line running in an eastward direction and 50 feet south of the moored LNG vessel to a line running due north to a point 50 feet east of mooring dolphin #13; and then a line extending in an eastward direction and 50 feet from shore to the end of the turning basin.

(2) When an LNG vessel is not moored at the Trunkline LNG facility: Beginning at the west side property line at position 30 06'38"N, 93 17'34"W, a line extending in an eastward direction and 50 feet from shore to a point 50 feet west of mooring dolphin #1; then a continuous uniform line extending 50 feet outside of all facility docks and structures to a point 50 feet east of mooring dolphin #13; and then a line extending in an eastward direction and 50 feet from shore to the end of the turning basin.

(b) The waters within the following boundaries are a safety zone while a non-gas free LNG vessel is transiting within the Calcasieu River ship channel and between buoy "CC" and the Trunkline LNG facility: The area 2 miles ahead, 1 mile astern, and to either side of an LNG vessel to the width of the ship channel. Meeting, crossing, or overtaking situations are not permitted within the safety zone unless specifically authorized by the USCG Captain of the Port.

(c) Notice of transiting LNG vessels will be provided by Broadcast and/or Local Notice to Mariners.

[CGD 82-10, 47 FR 41957, Sept. 23, 1982, as amended by CGD8 82-10, 50 FR 31592, Aug. 5, 1985; COTP Port Arthur, TX Reg. 90-03, 56 FR 66599, Dec. 24, 1991]

§ 165.806 Sabine Neches Waterway, Texas—regulated navigation area.

(a) The following is a regulated navigation area—The Sabine Neches Waterway which includes the following waters: Sabine Pass Channel, Port Arthur Canal, Sabine Neches Canal, Neches River, Sabine River and all navigable waterways tributary thereto.

(b) Unless otherwise authorized by the Captain of the Port, Port Arthur, Texas, tows on a hawser of 1000 gross tons or greater transiting the Sabine-Neches Waterway are prohibited unless such tows have a tug of sufficient horsepower made up to the tow in such a manner as to insure that complete and effective control is maintained throughout the transit. Inbound vessels only, may shift the tow or pick up an additional tug within 100 yards inside the entrance jetties provided that such action is necessary for reasons of prudent seamanship.

[CGD8-83-09, 49 FR 35500, Sept. 10, 1984]

§ 165.807 Calcasieu River, Louisiana—regulated navigation area.

(a) The following is a regulated navigation area—The Calcasieu River from the Calcasieu jetties up to and including the Port of Lake Charles.

(b) Unless otherwise authorized by the Captain of the Port, Port Arthur, Texas, tows on a hawser of 1000 gross tons or greater transiting the Calcasieu River are prohibited unless such tows have a tug of sufficient horsepower made up to the tow in such a manner as to insure that complete and effective control is maintained at all times. Inbound vessels only, may shift the tow or pick up an additional tug within 100 yards inside the entrance jetties provided that such action is necessary for reasons for prudent seamanship.

[CGD8-83-09, 49 FR 35500, Sept. 10, 1984]

§ 165.808 Corpus Christi Ship Channel, Corpus Christi, TX, safety zone.

(a) The following areas are established as safety zones during specified conditions:

(1) For incoming tank vessels loaded with Liquefied Petroleum Gas, the waters within a 500 yard radius of the LPG carrier while the vessel transits

the Corpus Christi Ship Channel to the LPG receiving facility. The safety zone remains in effect until the LPG vessel is moored at the LPG receiving facility.

(2) For outgoing tank vessels loaded with LPG, the waters within a 500 yard radius of the LPG carrier while the vessel departs the LPG facility and transits the Corpus Christi Ship Channel. The safety zone remains in effect until the LPG vessel passes the seaward extremity of the Aransas Pass Jetties.

(b) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a Marine Safety Information Broadcast Notice to Mariners.

[CGD 8-84-07, 50 FR 15744, Apr. 22, 1985; 50 FR 19933, May 13, 1985]

§ 165.810 Mississippi River, LA-regulated navigation area.

(a) *Purpose and Applicability.* This section prescribes rules for all vessels operating in the Mississippi River below Baton Rouge, LA, including South and Southwest Passes, to assist in the prevention of collisions and groundings and to protect the navigable waters of the Mississippi River from environmental harm resulting from those incidents.

(b) Mississippi River below Baton Rouge, LA, including South and Southwest Passes:

(1) *Supervision.* The use, administration, and navigation of the waterways to which this paragraph applies shall be under the supervision of the District Commander, Eighth Coast Guard District.

(2) *Speed; high-water precautions.* When passing another vessel (in motion, anchored, or tied up), a wharf or other structure, work under construction, plant engaged in river and harbor improvement, levees withstanding flood waters, building partially or wholly submerged by high water, or any other structure liable to damage by collision, suction or wave action,

vessels shall give as much leeway as circumstances permit and reduce their speed sufficiently to preclude causing damages to the vessel or structure being passed. Since this subparagraph pertains directly to the manner in which vessels are operated, masters of vessels shall be held responsible for strict observance and full compliance therewith. During high river stages, floods, or other emergencies, the District Commander may prescribe by navigation bulletins or other means the limiting speed in land miles per hour deemed necessary for the public safety for the entire section or any part of the waterways covered by this paragraph, and such limiting speed shall be strictly observed.

(3) *Towing.* Towing in any formation by a vessel with insufficient power to permit ready maneuverability and safe handling is prohibited.

(c) Movement of vessels in vicinity of Algiers Point, New Orleans Harbor:

(1) *Control lights.* When the Mississippi River reaches 8 feet on the Carrollton Gage on a rising stage, and until the gage reads 9 feet on a falling stage, the movement of all tugs with tows and all ships, whether under their own power or in tow, but excluding tugs or towboats without tows or river craft of comparable size and maneuverability operating under their own power, in the vicinity of Algiers Point shall be governed by red and green lights designated and located as follows: Governor Nicholls Light located on the left descending bank on the wharf shed at the upstream end of Esplanade Avenue Wharf, New Orleans, approximately 94.3 miles above Head of Passes; and Gretna Light located on the right descending bank on top of the levee at the foot of Ocean Avenue, Gretna, approximately 96.6 miles above Head of Passes. Governor Nicholls Light has lights visible from both upstream and downstream, and Gretna Light has lights visible from upstream, all indicating by proper color the direction of traffic around Algiers Point. From downstream, Gretna Light always shows green. All lights are visible throughout the entire width of the river and flash once every second. A green light displayed ahead of a vessel (in the direction of travel) indicates

that Algiers Point is clear and the vessel may proceed. A red light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is not clear and the vessel shall not proceed. Absence of lights shall be considered a danger signal and no attempt shall be made to navigate through the restricted area.

NOTE: To provide advance information to downbound vessels whether the control light at Gretna (Gretna Light) is red or green, a traffic light is located at Westwego on the right descending bank, on the river batture at the end of Avenue B, approximately 101.4 miles above Head of Passes.

(2) *Ascending vessels.* Ascending vessels shall not proceed farther up the river than a line connecting the upper end of Atlantic Street Discharge Light (on right descending bank) with the lower end of Desire Street Wharf (on left descending bank) when a red light is displayed. Vessels waiting for a change of signal shall keep clear of descending vessels.

(3) *Descending vessels.* (i) Descending vessels shall not proceed farther down the river than a line connecting the lower end of Julia Street Wharf (on left descending bank) with the vertical flagpole at Eastern Associated Terminals (on right descending bank) when a red light is displayed. Vessels shall round to and be headed upstream before they reach that line, if the signal remains against the vessel. Vessels waiting for a change of signal shall keep clear of ascending vessels.

(ii) Vessels destined to a wharf above the lower end of Julia Street Wharf shall signal the Gretna towerman three long blasts and one short blast of a whistle or horn to indicate that the vessel is not bound below the Julia Street Wharf.

(iii) The master, pilot, or authorized representative of any vessel scheduled to depart from a wharf between Governor Nicholls Light and Louisiana Avenue, bound downstream around Algiers Point, shall communicate with the Governor Nicholls Light towerman by telephone to determine whether the channel at Algiers Point is clear before departure. When the point is clear, vessels shall then proceed promptly so that other traffic will not be unnecessarily delayed.

NOTE: Telephone numbers of both signal towers will be published in navigation bulletins in advance of each operating period.

(4) *Minor changes.* The District Commander is authorized to waive operation or suspension of the lights whenever prospective river stages make it appear that the operation or suspension will be required for only a brief period of time or when river stages will rise or fall below the critical stage which is established for operation or suspension by only a few tenths on the Carrollton Gage.

(5) *Underpowered vessels.* When the Carrollton Gage reads 12 feet or higher, any vessel which is considered by the master or pilot as being underpowered or a poor handler shall not navigate around Algiers Point without the assistance of a tug or tugs.

(6) *Towing.* When the Carrollton Gage reads 12 feet or higher, towing on a hawser in a downstream direction between Julia Street and Desire Street is prohibited except by special permission of the District Commander.

(d) Navigation of South and Southwest Passes.

(1) No vessel, except small craft and towboats and tugs without tows, shall enter either South Pass or Southwest Pass from the Gulf until after any descending vessel which has approached within two and one-half (2½) miles of the outer end of the jetties and visible to the ascending vessel shall have passed to sea.

(2) No vessel having a speed of less than ten mph shall enter South Pass from the Gulf when the stage of the Mississippi River exceeds 15 feet on the Carrollton Gage at New Orleans. This paragraph does not apply when Southwest Pass is closed to navigation.

(3) No vessel, except small craft and towboats and tugs without tows, ascending South Pass shall pass Franks Crossing Light until after a descending vessel shall have passed Depot Point Light.

(4) No vessel, except small craft and towboats and tugs without tows, shall enter the channel at the head of South Pass until after an ascending vessel which has reached Franks Crossing Light shall have passed through into the river.

(5) When navigating South Pass during periods of darkness no tow shall consist of more than one towed vessel other than small craft, and during daylight hours no tow shall consist of more than two towed vessels other than small craft. Tows may be in any formation. When towing on a hawser, the hawser shall be as short as practicable to provide full control at all times.

(6) When towing in Southwest Pass during periods of darkness no tow shall consist of more than two towed vessels other than small craft, and during daylight hours no tow shall consist of more than three towed vessels other than small craft.

(Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); sec. 2, Pub. L. 95-474, 92 Stat. 1471 (33 U.S.C. 1223); 49 CFR 1.46(n)(4))

[CGD 75-082, 42 FR 51759, Sept. 29, 1977, as amended by CGD 78-080, 44 FR 47933, Aug. 16, 1979; CGD 86-049, 51 FR 27840, Aug. 4, 1986. Redesignated by CGD 90-020, 59 FR 36324, July 15, 1994; CGD 95-033, 60 FR 28333, May 31, 1995]

§ 165.811 Atchafalaya River, Berwick Bay, LA-regulated navigation area.

(a) The following is a regulated navigation area: the waters of the Atchafalaya River in Berwick Bay bounded on the northside from 2,000 yards north of the U.S. 90 Highway Bridge and on the southside from 4,000 yards south of the Southern Pacific Railroad (SPRR) Bridge.

(b) Within the regulated navigation area described in paragraph (a) of this section, § 161.40 of this chapter establishes a VTS Special Area for waters within a 1000 yard radius of the SPRR Bridge.

(c) When the Morgan City River gauge reads 3.0 feet or above mean sea level, in addition to the requirements set forth in § 161.13 of this chapter, the requirements of paragraph (d) and (e) of this section apply to a towing vessel which will navigate:

(1) under the lift span of the SPRR Bridge; or

(2) through the navigational opening of the U.S. 90 Highway Bridge; or

(3) through the navigational opening of the Highway 182 Bridge.

(d) *Towing requirements.* (1) Towing on a hawser is not authorized, except that

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one self-propelled vessel may tow one other vessel without barges upbound;

(2) A towing vessel and barges must be arranged in tandem, except that one vessel may tow one other vessel alongside;

(3) Length of tow must not exceed 1,180 feet; and

(4) Tows with a box end in the lead must not exceed 400 feet in length.

NOTE: The variation in the draft and the beam of the barges in a multi-barge tow should be minimized in order to avoid unnecessary strain on coupling wires.

(e) *Horsepower Requirement.* (1) The following requirements apply to a towing vessel of 3,000 hp or less:

TABLE 165.811(e)—MINIMUM AVAILABLE HORSEPOWER REQUIREMENT
[The greater value listed.]

Direction of tow	Daytime (sunrise to sunset)	Nighttime (sunset to sunrise)
Upbound	400hp or (Length of tow—300ft) × 3.	600hp or (Length of tow—200ft) × 3.
Downbound	600hp or (Length of tow—200ft) × 3.	600hp or (Length of tow) × 3.

NOTE: A 5% variance from the available horsepower is authorized.

(2) All tows carrying cargoes of particular hazard as defined in §160.203 of this chapter must have available horsepower of at least 600 hp or three times the length of tow, whichever is greater.

(f) *Notice of Requirements.* Notice that these rules are anticipated to be put into effect, or are in effect, will be given by:

(1) Marine information broadcasts;
(2) Notices to mariners;
(3) Vessel Traffic Center advisories or upon vessel information request; and

(4) Visual displays on top of the SPRR Bridge, consisting of:

(i) Two vertically arranged red balls by day; or

(ii) Two vertically arranged flashing white lights by night.

NOTE: Visual displays are not shown during precautionary periods (when the Morgan City River Gauge reads 2.5 feet above mean sea level). However, precautionary notices will be issued via marine notice to mariners, notice to mariners, VTC advisories or vessel information requests, when water level remains at or above 2.5 feet. Visual displays

are Class I, private aids to navigation maintained by SPRR Bridge.

[CGD 90-020, 59 FR 36334, July 15, 1994, as amended by CGD 95-033, 60 FR 28333, May 31, 1995]

§ 165.815 Ohio River at Louisville, KY; regulated navigation area.

(a) The following is a regulated navigation area: The waters of the Ohio River from the Clark Memorial (Highway) Bridge at Mile 603.5, downstream to McAlpine Dam at Mile 604.4.

(b) The general regulations governing regulated navigation area contained in 33 CFR part 165, subpart B apply.

(c) No pleasure or fishing craft shall be operated within the regulated navigation area at any time without prior permission of the Captain of the Port, Louisville, Kentucky, except in case of emergency and except for passage through McAlpine Lock.

[CGD 2-89-04, 55 FR 23203, June 7, 1990. Redesignated by CGD 96-026, 61 FR 33669, June 28, 1996]

§ 165.817 Arkansas River, Mile 118.2 to 125.4, Little Rock Arkansas—regulated navigation area.

(a) Location. The following is a regulated navigation area (RNA): The waters of the Arkansas River between mile 118.2 and mile 125.4.

(b) Regulations. Transit of the RNA is limited during periods of high velocity flow, defined as the flow rate of 70,000 cubic feet per second or more at the Murray Lock and Dam at mile 125.4. The flow rate at this location is calculated by the U.S. Army Corps of Engineers on a regular and routine basis. This information will be distributed by announcements by Coast Guard Marine Information Broadcasts, publication in Coast Guard Local Notice to Mariners, and telephone or radio contact with the Lockmaster at Murray Lock and Dam.

(c) Transit of the RNA during periods of high velocity flow may only occur under the following conditions:

(1) Vessels may not meet or pass in the RNA.

(2) No vessel shall anchor, stop, remain or drift without power at any time in the RNA.

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(3) All vessels shall continually monitor VHF-FM channel 13 on their radiotelephone while in or approaching the RNA.

(4) Prior to entering the RNA, downbound vessels shall make a broadcast in the blind on VHF-FM channel 13 announcing their estimated time of departure from Murray Lock and Dam or from the mooring cells at mile 121.5 to ensure there are no upbound vessels within the RNA. If there is upbound traffic within the RNA, the downbound vessel shall not depart until the upbound vessel has passed through the RNA. After departing, vessels will proceed through the RNA, including all drawbridges located therein, without delay.

(5) When upbound vessels reach mile 116, they shall make a broadcast in the blind on VHF-FM channel 13 announcing their estimated arrival time at the Rock Island Railroad Bridge at mile 118.2.

(6) When a downbound vessel is already in the RNA, an upbound vessel shall adjust its speed so as to avoid a meeting situation in the RNA.

(d) Refer to 33 CFR 117.123 for drawbridge operation regulations.

[CGD2-90-04, 57 FR 22176, May 27, 1992. Redesignated by CGD 96-026, 61 FR 33669, June 28, 1996]

§ 165.819 Monongahela River, Mile 81.0 to 83.0—regulated navigation area.

(a) *Location.* The following is a regulated navigation area—The waters of the Monongahela River between mile 81.0 and mile 83.0.

(b) *Regulations.* Transit of the RNA by vessels required to have a radiotelephone under 33 CFR 26.03 may be made only under the following conditions:

(1) Traffic is restricted to one-way passage, with no meeting, passing, or overtaking authorized.

(2) Upbound vessels must give way to downbound vessels and, when approaching mile 81.0, in the area of Cats Run Light and the daymark located on the right descending bank, are to contact any downbound vessels in the area to coordinate transit of the area in accordance with this section.

(3) Downbound vessels, when approaching mile 83.0, in the vicinity of

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Warwick Mine on the left descending bank, are to contact any upbound vessels in the area to coordinate transit of the area in accordance with this section.

(c) Any deviations from this section must be authorized by the Captain of the Port, Pittsburgh, PA, prior to entering the RNA.

[CGD2-91-06, 56 FR 55820, Oct. 30, 1991, as amended by CGD02-93-001, 58 FR 59952, Nov. 12, 1993. Redesignated by CGD 96-026, 61 FR 33669, June 28, 1996]

§ 165.821 Ohio River at Cincinnati, OH; regulated navigation area.

(a) *Location.* The following is a regulated navigation area (RNA)—The waters of the Ohio River between mile 466.0 and mile 473.0.

(b) *Activation.* The restrictions in paragraphs (c) (i) through (iv) are in effect from one-half hour before sunset to one-half hour after sunrise when the Cincinnati, Ohio, Ohio River Gauge is at or above the 45 foot level. The Captain of the Port, Louisville, Kentucky will publish a notice in the Local Notice to Mariners and will make announcements by Coast Guard Marine Information Broadcasts whenever the river level measured at the gauge activates or terminates the navigation restrictions in this section.

(c) *Regulations.*

(i) Transit through the RNA by all downbound vessels towing cargoes regulated by Title 46 Code of Federal Regulations Subchapters D and O with a tow length exceeding 600 feet excluding the tow boat is prohibited.

(ii) No vessel shall loiter, anchor, stop, remain or drift without power at any time within the navigation channel of the RNA.

(iii) All commercial vessels shall continually monitor VHF-FM channel 13 on their radiotelephone while in or approaching the RNA.

(iv) Between Ohio River miles 464.0 and 466.0, downbound vessels shall make a broadcast in the blind, on VHF-FM channel 13 announcing their estimated time of entering the RNA.

[CGD02-95-003, 61 FR 2417, Jan. 26, 1996. Redesignated by CGD 97-023, 62 FR 33365, June 19, 1997]

NINTH COAST GUARD DISTRICT

§ 165.901 Great Lakes—regulated navigation areas.

(a) *Lake Huron*. The following are regulated navigation areas:

(1) The waters of Lake Huron known as South Channel between Bois Blanc Island and Cheboygan, Michigan; bounded by a line north from Cheboygan Crib Light (LL-1340) at 45°39'48"N, 84°27'36"W; to Bois Blanc Island at 45°43'42"N, 84°27'36"W; and a line north from the mainland at 45°43'00"N, 84°35'30"W; to the western tangent of Bois Blanc Island at 45°48'42"N, 84°35'30"W.

(2) The waters of Lake Huron between Mackinac Island and St. Ignace, Michigan, bounded by a line east from position 45°52'12"N, 84°43'00"W; to Mackinac Island at 45°52'12"N, 84°39'00"W; and a line east from the mainland at 45°53'12"N, 84°43'30"W; to the northern tangent of Mackinac Island at 45°53'12"N, 84°38'48"W.

(b) *Lake Michigan*. The following is a regulated navigation area—The waters of Lake Michigan known as Gray's Reef Passage bounded by a line from Gray's Reef Light (LL-2006) at 45°46'00"N, 85°09'12"W; to White Shoals Light (LL-2003) at 45°50'30"N, 85°08'06"W; to a point at 45°49'12"N, 85°04'48"W; then to a point at 45°45'42"N, 85°08'42"W; then to the point of beginning.

(c) *Regulations*. The COTP, Sault Ste. Marie, will close and open these regulated navigation areas as ice conditions dictate. Under normal seasonal conditions, only one closing each winter and one opening each spring are anticipated. Prior to the closing or opening of the regulated navigation areas, the COTP will give interested parties, including both shipping interests and island residents, not less than 72 hours notice of the action. No vessel may navigate in a regulated navigation area which has been closed by the COTP. Under emergency conditions, the COTP may authorize specific vessels to navigate in a closed regulated navigation area.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 79-026, 48 FR 35408, Aug. 4, 1983]

§ 165.902 Niagara River at Niagara Falls, New York—safety zone.

(a) The following is a safety zone—The United States waters of the Niagara River from the crest of the American and Horseshoe Falls, Niagara Falls, New York to a line drawn across the Niagara River from the downstream side of the mouth of Gill Creek to the upstream end of the breakwater at the mouth of the Welland River.

§ 165.903 Safety Zones: Cuyahoga River and Old River, Cleveland, OH.

(a) *Location*. The waters of the Cuyahoga River and the Old River extending ten feet into the river at the following eleven locations, including the adjacent shorelines, are safety zones, coordinates for which are based on NAD 83.

(1) From the point where the shoreline intersects longitude 81°42'24.5" W, which is the southern side of the Conrail No. 1 railroad bridge, southeasterly along the shore for six hundred (600) feet to the point where the shoreline intersects longitude 81°42'24.5" W, which is the end of the lot adjacent to Fagan's Restaurant.

(2) One hundred (100) feet downriver to one hundred (100) feet upriver from 41 degrees 29'53.5"N, 81 degrees 42'33.5"W, which is the knuckle on the north side of the Old River entrance at Ontario Stone.

(3) Fifty (50) feet downriver to fifty (50) feet upriver from 41 degrees 29'48.4"N, 81 degrees 42'44"W, which is the knuckle adjacent to the Ontario Stone warehouse on the south side of the Old River.

(4) From 41 degrees 29'51.1"N, 81 degrees 42'32.0"W, which is the corner of Nicky's pier at Sycamore Slip on the Old River, to fifty (50) feet east of 41 degrees 29'55.1"N, 81 degrees 42'27.6"W, which is the north point of the pier at Shooter's Restaurant on the Cuyahoga River.

(5) Twenty-five (25) feet downriver to twenty-five (25) feet upriver of 41 degrees 29'48.9"N, 81 degrees 42'10.7"W, which is the knuckle toward the downriver corner of the Nautica Stage.

(6) Ten (10) feet downriver to ten (10) feet upriver of 41 degrees 29'45.5"N, 81 degrees 42'9.7"W, which is the knuckle

toward the upriver corner of the Nautica Stage.

(7) The fender on the west bank of the river at 41 degrees 29'45.2"N, 81 degrees 42.10"W, which is the knuckle at Bascule Bridge (railroad).

(8) The two hundred seventy (270) foot section on the east bank of the river between the Columbus Road bridge (41 degrees 29'18.8"N, 81 degrees 42'02.3W) downriver to the chain link fence at the upriver end of the Commodores Club Marina.

(9) Fifty (50) feet downriver of twenty-five (25) feet upriver from 41 degrees 29'24.5"N, 81 degrees 41'57.2"W, which is the knuckle at the Upriver Marine fuel pump.

(10) Seventy-five (75) feet downriver to seventy-five (75) feet upriver from 41 degrees 29'33.7"N, 81 degrees 41'57.5"W, which is the knuckle adjacent to the warehouse at Alpha Precast Products (United Ready Mix).

(11) Fifteen (15) feet downriver to fifteen (15) feet upriver from 41 degrees 29'41"N, 81 degrees 41'38.6"W, which is the end of the chain link fence between Jim's Steak House and Shippers C & D.

(b) *Regulations*—(1) *General Rule*. Except as provided below, entry of any kind or for any purpose into the foregoing zones is strictly prohibited in accordance with the general regulations in § 165.23 of this part.

(2) *Exceptions*. Any vessel may transit, but not moor, stand or anchor in, the foregoing zones as necessary to comply with the Inland Navigation Rules or to otherwise facilitate safe navigation. Cargo vessels of 1600 gross tons (GT) or greater may moor in these zones when conducting cargo transfer operations.

(3) *Waivers*. Owners or operators of docks wishing a partial waiver of these regulations may apply to the Captain of the Port, Cleveland, Ohio. Partial waivers will only be considered to allow for the mooring of vessels in a safety zone when vessels of 1600 GT or greater are not navigating in the proximate area. Any requests for a waiver must include a plan to ensure immediate removal of any vessels moored in

a safety zone upon the approach of a vessel(s) 1600 GTs or greater.

[COTP Cleveland REG 89-01, 54 FR 9778, Mar. 8, 1989, as amended by CGD 09-95-018, 61 FR 37685, July 19, 1996]

§ 165.904 Lake Michigan at Chicago Harbor & Burnham Park Harbor—Safety and Security Zone.

(a) *Location*. All waters, waterfront facilities, and shoreline areas within 1000 yards of the shoreline surrounding Merrill C. Meigs Airfield constitute a safety and security zone. This includes all waters including Burnham Park Harbor and the southern part of Chicago Harbor, Lake Michigan, bounded by the following coordinates:

(1) Northwest point: 41°52'33"N, 87°36'58"W

(2) Northeast point: 41°52'33"N, 87°35'41"W

(3) Southeast point: 41°50'42"N, 87°35'41"W

(4) Southwest point: 41°50'42"N, 87°36'33"W

(5) From the southwest point, north along the Lake Michigan shoreline, including Burnham Park Harbor, to the northwest point.

(b) *Effective times and dates*. This safety and security zone will be in effect at various times to be published in the Coast Guard Local Notice to Mariners or broadcasted via Marine Radio VHF-FM Channels 16 & 22. These times will include the actual effective time and date and the termination time and date.

(c) *Restrictions*. (1) In accordance with the general regulations in section 165.23 and 165.33 of this part, entry into this zone is prohibited, unless authorized by the U.S. Coast Guard Captain of the Port, Chicago, or the U.S. Secret Service. Other general requirements in §§ 165.23 and 165.33 also apply. Further, no person may enter or remain in the shoreline areas of the established safety and security zone, unless cleared by a Coast Guard or U.S. Secret Service official.

(2) Vessels in Burnham Park Harbor at the commencement of the safety and

security zone must be moored and remain moored while the safety and security zone is established, unless authorized to get underway by a Coast Guard or U.S. Secret Service official.

(3) No person may engage in swimming, snorkeling, or diving within the established safety and security zone, except with the permission of the Captain of the Port or U.S. Secret Service.

[CGD09-94-005, 59 FR 45227, Sept. 1, 1994]

§ 165.905 USX Superfund Cite Safety Zones: St. Louis River.

(a) The following areas of the St. Louis River, within the designated boxes of latitude and longitude, are safety zones:

(1) *Safety Zone #1 (North Spirit Lake):*

North Boundary: 46°41'33" W

South Boundary: 46°41'18" W

East Boundary: 92°11'53" W

West Boundary: 92°12'11" W

(2) *Safety Zone #2 (South Spirit Lake):*

North Boundary: 46°40'45" N

South Boundary: 46°40'33" N

East Boundary: 92°11'40" W

West Boundary: 92°12'05" W

(b) Transit of vessels through the waters covered by these zones is prohibited. Swimming (including water skiing or other recreational use of the water which involves a substantial risk of immersion in the water) or taking of fish (including all forms of aquatic animals) from the waters covered by these safety zones is prohibited at all times.

[CGD09-95-026, 60 FR 52862, Oct. 11, 1995]

ELEVENTH COAST GUARD DISTRICT

§ 165.1101 Safety Zone: San Pedro Bay, CA.

(a) *Location.* The following areas are established as safety zones during the specified conditions:

(1) The waters within a 500 yard radius around a liquefied hazardous gas tank vessel (LHG T/V), while the vessel is anchored at a designated anchorage area either inside the Federal breakwaters bounding San Pedro Bay, or anchored outside the breakwaters at designated anchorage areas within three (3) miles of the breakwaters;

(2) The waters and land area within 50 yards of a LHG T/V, while the vessel

is moored at any berth within the Los Angeles or Long Beach port area, inside the Federal breakwaters bounding San Pedro Bay;

(3) The waters 1000 yards ahead of and within 500 yards of all other sides of a LHG T/V, while the vessel is underway on the waters inside the Federal breakwaters encompassing San Pedro Bay, or within the waters three (3) miles outside of the Federal breakwaters in an area more particularly described as follows: Beginning at a point which is Point Fermin Light (33°42'18" N, 118°17'36" W); thence along the shoreline to the San Pedro breakwater; thence along the San Pedro breakwater and the Middle breakwater (following the COLREGS Demarcation Lines) to Long Beach Channel Entrance Light "2" (33°43'23" N, 118°10'50" W) thence south southeast to 33°40'31" N, 118°08'42" W; thence west to 33°40'31" N, 118°12'03" W; thence west southwest to 33°39'17" N, 118°16'00" W; thence northwest to 33°40'06" N, 118°17'38" W; thence north to the point of beginning. [Datum: NAD 1983]

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within these zones is prohibited subject to the following exceptions:

(1) Entry may be authorized by the Captain of the Port; or

(2) Vessels already anchored or moored when the safety zone is in effect are not required to get underway to avoid entering into the safety zone boundaries as listed in paragraph (a) of this section.

(c) *Notice.* The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect via Broadcast Notice to Mariners.

[COTP Los Angeles-Long Beach 96-003, 61 FR 60029, Nov. 26, 1996]

§ 165.1102 Security Zone: San Diego Bay, California.

(a) *Location.* The following area is a security zone: The water area within Naval Station, San Diego, California, described as follows:

Commencing at a point at the mouth of Chollas Creek, at latitude 32°41'12.5" N, longitude 117°07'0.57.0" W, (Point A), for a place

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of beginning; thence southwesterly to a point on the U.S. Pierhead Line 100 yards (92 meters) northwest of the head of Pier 1, at latitude 32°41'05.8" N, longitude 117°08'05.6" W, (Point B); thence southeasterly along the U.S. Pierhead Line to the south side of Pier 13 (Point C); thence northeasterly along the south side of Pier 13 to the shoreline of the Naval Station (Point D); thence generally northwesterly along the shoreline of the Naval Station to the place of beginning (Point A).

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Base San Diego, or the Commanding Officer, Naval Station, San Diego. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 85-21, 51 FR 8198, Mar. 10, 1986]

§ 165.1103 Security Zone: San Diego Bay, California.

(a) *Location.* The following area is a security zone: The water area adjacent to the Naval Ocean Systems Center, San Diego, California, and the Naval Supply Center, San Diego, California, described as follows:

Commencing at a point on the shoreline of Point Loma, at latitude 32°41'57.8" N, longitude 117°14'17.5" W (Point A), for a place of beginning; thence easterly to latitude 32°41'56.0" N, longitude 117°14'09.9" W (Point B); thence northeasterly to latitude 32°42'03.8" N, longitude 117°14'04.7" W (Point C); thence northeasterly to latitude 32°42'10.2" N, longitude 117°14'00.6" W (Point D); thence northwesterly to latitude 32°42'14.6" N, longitude 117°14'02.1" W (Point E); thence northwesterly to latitude 32°42'22.7" N, longitude 117°14'05.8" W (Point F); thence northwesterly to latitude 32°42'28.3" N, longitude 117°14'08.4" W (Point G); thence westerly to latitude 32°42'28.3" N, longitude 117°14'09.6" W (Point H); thence generally southerly along the shoreline of Point Loma to the place of beginning (Point A).

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Base, San Diego, the Commander, Naval Ocean Systems Center, San Diego, or the Commanding Officer, Naval Supply Center, San

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Diego. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 85-20, 51 FR 8197, Mar. 10, 1986]

§ 165.1104 Security Zone: San Diego Bay, California.

(a) *Location.* The following area is a security zone: The water area adjacent to Naval Submarine Base, San Diego, California, described as follows:

Commencing at a point on the shoreline of Ballast Point, at latitude 32°41'11.2" N., longitude 117°13'57.0" W. (Point A), for a place of beginning; thence northerly (approximately 352 °T) to latitude 32°41'31.8" N., longitude 117°14'00.6" W (Point B); thence westerly (approximately 243 °T) to latitude 32°41'24.5" N., longitude 117°14'18.7" W. (Point C); thence generally southeasterly along the shoreline of the Naval Submarine Base to the place of beginning (Point A).

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Base San Diego, or the Commander, Submarine Force, U.S. Pacific Fleet Representative, West Coast. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 85-19, 51 FR 8197, Mar. 10, 1986]

§ 165.1105 Security Zone: San Diego Bay, California.

(a) *Location.* The following area is a security zone: The water area adjacent to Naval Air Station North Island, Coronado, California, and within 100 yards (91.5 meters) of the Cruiser (J-K) Pier and within 300 yards (275 meters) of the Carrier (L-P) Pier, described as follows:

From a point on the shoreline of Naval Air Station North Island, on North Island, Coronado, California, at latitude 32°42'47.5" N., longitude 117°11'25.0" W. (Point A), for a place of beginning; thence northeasterly to latitude 32°42'52.0" N., longitude 117°11'21.5" W. (Point B); thence southeasterly to latitude 32°42'44.5" N., longitude 117°11'11.0" W. (Point C); thence southerly to latitude 32°42'31.0" N., longitude 117°11'16.4" W. (Point D); thence southeasterly to latitude 32°42'21.4" N., longitude 117°10'44.5" W. (Point E); thence southerly to latitude 32°42'12.8" N., longitude 117°10'47.8" W. (Point F); thence generally northwesterly along the shoreline of Naval

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Air Station North Island to the place of beginning (Point A).

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Air Force, U.S. Pacific Fleet, the Commander, Naval Base San Diego, or the Commanding Officer, Naval Air Station North Island. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 85-17, 51 FR 8196, Mar. 10, 1986]

§ 165.1106 Security Zone: San Diego Bay, California.

(a) *Location.* (1) The following area is a security zone: The water area adjacent to Naval Air Station North Island, Coronado, California, and within 100 yards (91 meters) of Bravo Pier, and vessels moored thereto, bounded by the following points (when no vessel is moored at the pier):

(i) Latitude 32°41'53.0" N, Longitude 117°13'33.6" W;

(ii) Latitude 32°41'53.0" N, Longitude 117°13'40.6" W;

(iii) Latitude 32°41'34.0" N, Longitude 117°13'40.6" W;

(iv) Latitude 32°41'34.0" N, Longitude 117°13'34.1" W.

(2) Because the area of this security zone is measured from the pier and from vessels moored thereto, the actual area of this security zone will be larger when a vessel is moored at Bravo Pier.

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commanding Officer, Naval Air Station North Island. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 85-11, 51 FR 3776, Jan. 30, 1986, as amended at 52 FR 8893, Mar. 20, 1987]

§ 165.1107 San Diego Bay, California—safety zone.

(a) The waters of San Diego Bay enclosed by the following boundaries are a safety zone:

From a point located on the boundary of Coast Guard Air Station San

Diego, California at latitude 32°43'37.2" N, longitude 117°10'45.0" W (point A), for a point of beginning; thence southeasterly to latitude 32°43'36.2" N, longitude 117°10'41.5" W (point B); thence southwesterly to latitude 32°43'20.2" N, longitude 117°10'49.5" W (point C); thence northwesterly to latitude 32°43'25.7" N, longitude 117°11'04.6" W (point D); thence northeasterly to latitude 32°43'35.7" N, longitude 117°10'59.5" W (point E); thence generally easterly along the air station boundary to the point of beginning (point A).

(b)(1) In accordance with the general regulations in §165.23 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, except as provided for below.

(2) Vessels may transit the area of this safety zone without permission, but may not anchor, stop, remain within the zone, or approach within 100 yards (92 meters) of the land area of Coast Guard Air Station San Diego or structures attached thereto.

[CGD 85-034, 50 FR 14703, Apr. 15, 1985 and COTP San Diego Reg. 85-06, 50 FR 38003, Sept. 19, 1985]

§ 165.1108 San Diego Bay, California.

(a) *Location.* The area encompassed by the following geographic coordinates is a regulated navigation area:

32°41'–24.6" N	117°–14'–21.9" W
32°41'–34.2" N	117°–13'–58.5" W
32°41'–34.2" N	117°–13'–37.2" W

Thence south along the shoreline to

32°41'–11.2" N	117°–13'–31.3" W
32°41'–11.2" N	117°–13'–58.5" W

Thence north along the shoreline to the point of origin.

Datum: NAD 1983.

(b) *Regulations.* (1) During submarine docking/undocking operations at the U.S. Naval Submarine Base on Ballast Point, San Diego Bay, California, mariners transiting within the regulated navigation area shall proceed at a speed that generates no wake from their vessel.

(2) The Coast Guard will issue a Broadcast Notice to Mariners, and if

time permits a Local Notice to Mariners, to inform the maritime community of the dates and times of the submarine docking/undocking operations covered by paragraph (b)(1).

(3) The master and/or operator of a vessel within the regulated navigation area shall comply with any other orders or directions issued by the Coast Guard as required for the safety of the submarine docking/undocking operations covered by paragraph (b)(1).

[CGD11-90-07, 56 FR 14645, Apr. 11, 1991; 56 FR 40360, Aug. 14, 1991]

§ 165.1109 San Pedro Bay, California—Regulated navigation area.

(a) *Location.* The following is a regulated navigation area: The water area of San Pedro Bay encompassed by the following geographic coordinates:

From Point Fermin Light (33°42'18" N, 118°17'36" W) thence along the shoreline to the San Pedro Breakwater, thence along the San Pedro Breakwater and the Middle Breakwater (following the COLREGS Demarcation Lines) to Long Beach Channel Entrance Light "2" (33°42'42" N, 118°14'42" W), thence south southeast to 33°40'31" N, 118°08'42" W; thence west to 33°40'31" N, 118°12'03" W; thence west southwest to 33°39'17" N, 118°16'00" W; thence northeast to 33°40'06" N, 118°17'38" W; thence north to the point of origin.

[Datum: NAD 1983]

(b) *Pilot areas.* There are two pilot areas within the regulated navigation area described in paragraph (a). They are defined as follows:

(1) The Los Angeles Pilot Area is enclosed by a line beginning at Los Angeles Light (33°42'30" N, 118°15'06" W); thence easterly to Los Angeles Main Channel Entrance Light 2 (33°42'42" N, 118°14'42" W); thence southeasterly to 33°41'36.2" N, 118°13'46.2" W; thence southwest to 33°41'13.9" N, 118°14'55.4" W; thence north to the point of origin.

[Datum: NAD 1983]

(2) The Long Beach Pilot Area is enclosed by a line beginning at Long Beach Light (33°43'24" N, 118°11'12" W); thence easterly to Long Beach Channel Entrance Light 2 (33°43'24" N, 118°10'48" W); thence southerly to 33°42'09.1" N, 118°10'26.2" W; thence west to 33°42'09.1" N, 118°11'35.5" W; thence northeasterly to the point of origin.

[Datum: NAD 1983]

(c) *Definitions.* For the purposes of this section:

(1) *Floating plant*—means any vessel, other than a vessel underway and making way, engaged in any construction, manufacturing, or exploration operation.

(2) *Vessel*—means every description of watercraft, used or capable of being used as a means of transportation on water.

(d) The following regulations apply to all vessels while operating within the regulated navigation area:

(1) *Los Angeles Pilot Area:*

(i) No vessel may enter the Los Angeles Pilot Area unless it is entering or departing the Los Angeles Main Channel via the Los Angeles Harbor Entrance (Angel's Gate).

(ii) Vessels entering the Los Angeles Pilot Area shall pass directly through without stopping or loitering unless stopping is necessary to embark or disembark a pilot.

(iii) Vessels shall leave Los Angeles Approach Lighted Bell Buoy "LA" to port when entering and departing Los Angeles Main Channel;

(2) *Long Beach Pilot Area:*

(i) No vessel may enter the Long Beach Pilot Area unless it is entering or departing Long Beach Harbor Entrance (Queen's Gate).

(ii) Every vessel entering the Long Beach Pilot Area shall pass directly through without stopping or loitering unless stopping is necessary to embark or disembark a pilot.

(iii) Every vessel shall leave Long Beach Approach Lighted Whistle Buoy "LB" to port when entering and departing Long Beach Channel and departing vessels shall pass across the southern boundary of the Long Beach Pilot Area.

(e) The following regulations contained in paragraphs (e)(1) through (e)(4) apply to vessels 30 meters (approximately 98 feet) or over in length, towing vessels of 8 meters (approximately 26 feet) or over in length engaged in towing, vessels of 100 gross tons and upward carrying one or more passengers for hire while navigating, and each dredge and floating plant engaged in operations in the regulated navigation area:

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(1) Such vessel's speed shall not exceed 12 knots;

(2) All verbal contact between such vessels shall be communicated in the English language. No such vessel may enter or transit within the regulated navigation area unless there is at least one person on the bridge immediately available to communicate with other vessels in the English language;

(3) When such vessels in the regulated navigation area encounter meeting, crossing, or overtaking situations as defined by the International Regulations for Prevention of Collisions at Sea, 1972 (72 COLREGS) the master, pilot or person in charge of each such vessel shall make verbal passing arrangements with the other over radio-telephone in addition to sound signal requirements of the 72 COLREGS;

(4) No such vessel may enter the waters between Commercial Anchorage G and the Middle Breakwater as defined by an area enclosed by a line beginning at Los Angeles Main Channel Entrance Light 2 (33°42'42" N, 118°14'42" W); thence eastward along the middle breakwater to Long Beach Light (33°43'24" N, 118°11'12" W); thence south to 33°43'05.3" N, 118°11'15.3" W; thence westerly to 33°43'05.3" N, 118°12'15.7" W; thence southwesterly parallel to the breakwater to 33°42'29.9" N, 118°14'16.0" W; thence to the point of origin, unless such vessel is:

- (i) In an emergency;
- (ii) Proceeding to anchor in or departing Commercial Anchorage G;
- (iii) Standing by with confirmed pilot boarding arrangements; or,
- (iv) Engaged in towing vessels to or from Commercial Anchorage G, or to or from the waters between Commercial Anchorage G and the Middle Breakwater.

[CCGD11-93-007, 59 FR 5953, Feb. 9, 1994]

§ 165.1110 Safety Zone: Los Angeles Harbor-San Pedro Bay, CA

(a) *Location.* All waters within the following boundaries are established as a safety zone.

(1) *Pier 400.* The waters of Los Angeles Harbor encompassing the rock dike and landfill for the construction of Pier 400 as defined by the line connecting the following coordinates:

<i>Latitude</i>	<i>Longitude</i>
33°-44'-29" N	118°-14'-14" W.
33°-43'-48" N	118°-13'-56" W.
33°-42'-53" N	118°-14'-35" W.
33°-42'-49" N	118°-14'-48" W.
33°-42'-56" N	118°-15'-32" W.
33°-43'-51" N	118°-15'53" W.

and thence along the shoreline to the point of origin.

(2) *Shallow water habitat.* The waters of Los Angeles Harbor encompassing the rock dike and landfill for the development of a permanent shallow water habitat, as defined by the line connecting the following coordinates:

<i>Latitude</i>	<i>Longitude</i>
33°-42'-24" N	118°-16'-28" W.
33°-42'-36" N	118°-16'-22" W.
33°-42'-38" N	118°-16'-12" W.
33°-42'-45" N	118°-16'-07" W.
33°-42'-47" N	118°-15'-55" W.
33°-42'-28" N	118°-15'-16" W.

and thence along the San Pedro Breakwater to the point of origin.

(b) *Effective date.* This section is effective beginning 12:01 a.m. PDT on September 6, 1994. It will remain in effect until canceled by the Captain of the Port.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone by vessels not involved in the development of the shallow water habitat or the construction of Pier 400 is prohibited unless authorized by the Captain of the Port Los Angeles-Long Beach, CA.

[COTP Los Angeles-Long Beach, 94-004, 59 FR 46174, Sept. 7, 1994]

§ 165.1111 Security Zone: Wilson Cove, San Clemente Island, California.

(a) *Location.* The following area is a security zone: The water area adjacent to San Clemente Island, California within 1.5 nautical miles (1.73 statute miles, 2.8 kilometers) of the shoreline of San Clemente Island from Wilson Cove North End Light (LLNR 2565) to Spruce Pier, approximately 4.1 nautical miles (4.7 statute miles, 7.65 kilometers) southeast of Wilson Cove North End Light, described as follows:

Starting at a point on the shoreline of San Clemente Island, California, in position 33°01'25.0" N, 118°33'43.0" W, for

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a place of beginning (point A), thence northeasterly to 33°02'11.0" N, 118°32'13.5" W (point B), thence southeasterly to 32°58'40.5" N, 118°29'15.5" W (point C), thence southwesterly to 32°57'54.0" N, 118°31'17.2" W (point D), thence northwesterly along the shoreline of San Clemente Island to the place of beginning.

(b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, San Diego, California. Section 165.33 also contains other general requirements.

[COTP San Diego Reg. 87-04, 52 FR 18230, May 14, 1987]

§ 165.1114 San Francisco Bay Region, California—regulated navigation area.

(a) *Applicability.* This section applies to all vessels unless otherwise specified.

(b) *Deviations.* The Captain of the Port, San Francisco Bay, or the Commanding Officer, Vessel Traffic Service San Francisco, as a representative of the Captain of the Port, may authorize a deviation from the requirements of this regulation when it is deemed necessary in the interests of safety.

(c) *Regulated Navigation Areas.*—(1) *San Francisco Bay RNA.* (i) The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

37°47'18"N, 122°30'22"W; thence to 37°48'55"N, 122°31'41"W; thence along the shoreline to 37°50'38"N, 122°28'37"W; thence to 37°50'59"N, 122°28'00"W; thence to 37°51'45"N, 122°27'28"W; thence to 37°52'58"N, 122°26'06"W; thence to 37°51'53"N, 122°24'58"W; thence to 37°51'53"N, 122°24'00"W; thence to 37°51'40"N, 122°23'48"W; thence to 37°49'22"N, 122°23'48"W; thence to 37°48'20"N, 122°22'12"W; thence to 37°47'02"N, 122°21'33"W; thence to 37°47'02"N, 122°23'04"W; thence along the shoreline to the point of beginning.

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(ii) The San Francisco Bay RNA consists of the following defined sub-areas:

(A) *Golden Gate Traffic Lanes.*—(1) *Westbound traffic lane:* Bounded by the Golden Gate precautionary area and the COLREGS Demarcation Line (33 CFR 80.1142), between the separation zone and a line connecting the following coordinates:

37°48'30"N, 122°31'22"W; thence to 37°49'03"N, 122°29'52"W.

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(2) *Eastbound traffic lane.* Bounded by the COLREGS Demarcation Line (33 CFR 80.1142) and the Golden Gate precautionary area, between the separation zone and a line connecting the following coordinates:

37°47'50"N, 122°30'48"W; thence to 37°48'30"N, 122°29'29"W.

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(3) *Golden Gate Separation Zone:* The area 75 yards each side of a line connecting the following coordinates:

37°48'08"N, 122°31'05"W; thence to 37°48'46"N, 122°29'40"W.

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(B) *Golden Gate Precautionary Area:* An area bounded by a line connecting the following coordinates beginning at:

37°48'30"N, 122°29'29"W; thence to 37°48'52"N, 122°28'41"W; thence to 37°48'52"N, 122°27'49"W; thence to 37°49'36"N, 122°27'46"W; thence to 37°49'55"N, 122°28'09"W; thence to 37°49'28"N, 122°28'45"W; thence to 37°49'03"N, 122°29'52"W; thence returning to the point of beginning.

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(C) *Central Bay Traffic Lanes.*—(1) *Westbound traffic lane:* Bounded by the Central Bay precautionary area and the Golden Gate precautionary area, between the Central Bay and the Deep Water Traffic Lane separation zones.

(2) *Eastbound traffic lane:* Bounded by the Golden Gate precautionary area and the Central Bay precautionary area, between the Central Bay Separation Zone and a line connecting the following coordinates, beginning at:

37°48'41"N, 122°25'17"W; thence to 37°48'50"N, 122°26'14"W; thence to 37°48'52"N, 122°27'49"W.

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(3) *Deep Water (two-way) Traffic Lane:* Bounded by the Central Bay precautionary area and the Golden Gate precautionary area, between the Deep Water Traffic Lane and a line connecting the following coordinates, beginning at:

37°49'55" N, 122°28'09" W; thence to
37°50'36" N, 122°27'12" W; thence to
37°50'47" N, 122°26'26" W.

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(D) *Central Bay Separation Zone:* The area 75 yards each side of a line connecting the following coordinates, beginning at:

37°49'17" N, 122°27'47" W; thence to
37°49'35" N, 122°25'25" W.

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(E) *Deep Water Traffic Lane Separation Zone:* The area 75 yards each side of a line connecting the following coordinates, beginning at:

37°49'36" N, 122°27'46" W; thence to
37°50'22" N, 122°26'49" W; thence to
37°50'25" N, 122°26'22" W.

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(F) *Central Bay Precautionary Area:* An area bounded by a line connecting the following coordinates, beginning at:

37°48'41" N, 122°25'17" W; thence to
37°49'32" N, 122°25'13" W; thence to
37°50'25" N, 122°26'22" W; thence to
37°50'47" N, 122°26'26" W; thence to
37°51'04" N, 122°24'58" W; thence to
37°51'53" N, 122°24'58" W; thence to
37°51'53" N, 122°24'00" W; thence to
37°51'40" N, 122°23'48" W; thence to
37°49'22" N, 122°23'48" W; thence to
37°48'20" N, 122°22'12" W; thence to
37°47'02" N, 122°21'33" W; thence to
37°47'02" N, 122°23'04" W; thence to
37°47'02" N, 122°23'04" W; thence returning along the shoreline to the point of beginning.

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(2) *North Ship Channel RNA.* The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

37°51'53" N, 122°24'58" W; thence to
37°54'15" N, 122°27'27" W; thence to
37°56'06" N, 122°26'49" W; thence to
37°56'06" N, 122°26'34" W; thence to
37°54'48" N, 122°26'42" W; thence to
37°54'02" N, 122°26'10" W; thence to
37°51'53" N, 122°24'00" W; thence to returning to the point of beginning.

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(3) *San Pablo Strait Channel RNA.* The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

37°56'06" N, 122°26'49" W; thence to
37°57'26" N, 122°27'21" W; thence to
38°00'48" N, 122°24'45" W; thence to
38°01'54" N, 122°22'24" W; thence to
38°01'44" N, 122°22'18" W; thence to
37°57'37" N, 122°26'23" W; thence to
37°56'06" N, 122°26'34" W; thence returning to the point of beginning.

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(4) *Pinole Shoal Channel RNA.* The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

38°01'54" N, 122°22'25" W; thence to
38°03'13" N, 122°19'50" W; thence to
38°03'23" N, 122°18'31" W; thence to
38°03'13" N, 122°18'29" W; thence to
38°03'05" N, 122°19'28" W; thence to
38°01'44" N, 122°22'18" W; thence returning to the point of beginning.

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(5) *Southern Pacific Railroad Bridge RNA.* The following is a regulated navigation area—The water area contained within a circle with a radius of 200 yards, centered on 38°02'18" N, 122°07'17" W.

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(6) *Southampton Shoal Channel/Richmond Harbor RNA:* The following, consisting of two distinct areas, is a regulated navigation area—

(i) The waters bounded by a line connecting the following coordinates, beginning at:

37°54'17" N, 122°22'00" W; thence to
37°54'08" N, 122°22'00" W; thence to
37°54'15" N, 122°23'12" W; thence to

37°54'30" N, 122°23'09" W; thence along the shoreline to the point of beginning.

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(ii) The waters bounded by a line connecting the following coordinates, beginning at:

37°54'28" N, 122°23'36" W; thence to 37°54'20" N, 122°23'38" W; thence to 37°54'23" N, 122°24'02" W; thence to 37°54'57" N, 122°24'51" W; thence to 37°55'05" N, 122°25'02" W; thence to 37°54'57" N, 122°25'22" W; thence to 37°54'00" N, 122°25'13" W; thence to 37°53'59" N, 122°25'22" W; thence to 37°55'30" N, 122°25'35" W; thence to 37°55'40" N, 122°25'10" W; thence to 37°54'54" N, 122°24'30" W; thence to 37°54'30" N, 122°24'00" W; thence returning to the point of beginning.

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(7) *Oakland Harbor RNA*. The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

37°48'40" N, 122°19'58" W; thence to 37°48'50" N, 122°20'02" W; thence to 37°48'20" N, 122°21'00" W; thence to 37°48'15" N, 122°21'30" W; thence to 37°48'20" N, 122°22'12" W; thence to 37°47'26" N, 122°21'45" W; thence to 37°47'55" N, 122°21'26" W; thence to 37°48'03" N, 122°21'00" W; thence to 37°47'48" N, 122°19'46" W; thence to 37°47'55" N, 122°19'43" W; thence returning along the shoreline to the point of the beginning.

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(d) *General Regulations*. (1) A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, navigating within the RNAs defined in paragraph (c) of this section, shall not exceed a speed of 15 knots through the water.

(2) A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, navigating within the RNAs defined in paragraph (c) of this section, shall have its engine(s) ready for immediate maneuver and shall operate its engine(s) in a control mode and on fuel that will allow for an immediate response to any en-

gine order, ahead or astern, including stopping its engine(s) for an extended period of time.

(3) The master, pilot or person directing the movement of a vessel within the RNAs defined in paragraph (c) of this regulation shall comply with Rule 9 of the Inland Navigation Rules (INRs) (33 U.S.C. 2009) in conjunction with the provisions of the associated INRs.

(e) *Specific Regulations*.—(1) *San Francisco Bay RNA*: (i) A vessel shall navigate with particular caution in a precautionary area, or in areas near the terminations of traffic lanes or channels, as described in this regulation.

(ii) A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, shall:

(A) use the appropriate traffic lane and proceed in the general direction of traffic flow for that lane;

(B) use the Central Bay Deep Water Traffic Lane if eastbound with a draft of 45 feet or greater or westbound with a draft of 28 feet or greater;

(C) not enter the Central Bay Deep Water Traffic Lane when another power-driven vessel of 1600 or more gross tons or tug with a tow of 1600 or more gross tons is navigating therein when either vessel is:

(1) carrying certain dangerous cargoes (as denoted in section 160.203 of this subchapter);

(2) carrying bulk petroleum products; or

(3) a tank vessel in ballast if such entry would result in meeting, crossing, or overtaking the other vessel.

(D) normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side, shall do so at as small an angle to the general direction of traffic flow as practicable;

(E) so far as practicable keep clear of the Central Bay Separation Zone and the Deep Water Lane Separation Zone;

(F) not cross a traffic lane separation zone unless crossing, joining, or leaving a traffic lane.

(2) *Pinole Shoal Channel RNA*: (i) The use of Pinole Shoal Channel RNA is reserved for navigation of vessels with a draft greater than 20 feet or tugs with tows drawing more than 20 feet. Vessels drawing less than 20 feet are not

permitted within this RNA and are prohibited from crossing it at any point.

(ii) A power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons shall not enter Pinole Shoal Channel RNA when another power-driven vessel of 1600 or more gross tons or tug with a tow of 1600 or more gross tons is navigating therein when either vessel is:

(A) carrying certain dangerous cargoes (as denoted in section 160.203 of this subchapter);

(B) carrying bulk petroleum products; or

(C) a tank vessel in ballast if such entry would result in meeting, crossing, or overtaking the other vessel.

(iii) Vessels permitted to use this channel shall proceed at a reasonable speed so as not to endanger other vessels or interfere with any work which may become necessary in maintaining, surveying, or buoying the channel, and they shall not anchor in the channel except in case of a deviation authorized under paragraph (b) of this section.

(iv) This paragraph shall not be construed as prohibiting any necessary use of the channel by any public vessels while engaged in official duties, or in emergencies by pilot boats.

(3) *Southern Pacific Railroad Bridge (RNA)*: (i) When visibility is less than 1000 yards within the Southern Pacific Railroad Bridge RNA, a power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons:

(A) When eastbound, shall not transit through the RNA.

(B) When westbound:

(1) During periods of reduced visibility and immediately prior to passing New York Point, the master, pilot, or person directing the movement of a vessel shall obtain a report of visibility conditions within the RNA.

(2) If visibility within the RNA is less than 1000 yards, the vessel shall not transit the RNA. Vessels prevented from transiting due to low visibility shall not proceed past Mallard Island until visibility improves to greater than 1000 yards within the RNA.

(3) If a transit between New York Point and the Southern Pacific Railroad Bridge has commenced, and the visibility subsequently should become

less than 1000 yards, the master, pilot, or person directing the movement of a vessel shall comply with paragraph (b) of this section and may proceed, taking all further appropriate actions in the interest of safety.

(ii) Visibility is considered to be 1000 yards or greater when both the following geographical points can be seen from the Southern Pacific Railroad Bridge:

(A) The Port of Benecia Pier, and

(B) The Shell Martinez Pier.

(4) *Southampton Shoal/Richmond Harbor RNA*: A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, shall not enter Southampton Shoal/Richmond Harbor RNA when another power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, is navigating therein, if such entry would result in meeting, crossing, or overtaking the other vessel.

(5) *Oakland Harbor RNA*: A power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons shall not enter the Oakland Harbor RNA when another power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, is navigating therein, if such entry would result in meeting, crossing, or overtaking the other vessel.

[CGD11-94-007, 60 FR 16796, Apr. 3, 1995; 60 FR 30157, June 7, 1995]

THIRTEENTH COAST GUARD DISTRICT

§165.1301 Puget Sound, and Adjacent Waters in Northwestern Washington—Regulated Navigation Area.

The following is a regulated navigation area—All of the following northwestern Washington waters under the jurisdiction of the Captain of the Port, Puget Sound: Puget Sound, Hood Canal, Possession Sound, Elliott Bay, Commencement Bay, the San Juan Archipelago, Rosario Strait, Guemes Channel, Bellingham Bay, U.S. waters of the Strait of Juan de Fuca, Haro Strait, Boundary Pass, and Georgia Strait, and all lesser bays and harbors adjacent to the above.

(a) Definitions as used in this section:

(1) *Vessels engaged in fishing* are as identified in the definition found in

Rule 3 of the International Regulations for Prevention of Collisions at Sea, 1972, (72 COLREGS), found in Appendix A, Part 81 of this chapter.

(2) *Hazardous levels of vessel traffic congestion* are as defined at the time by Puget Sound Vessel Traffic Service.

(b) This section is intended to enhance vessel traffic safety during periods and in locations where hazardous levels of vessel traffic congestion are deemed to exist by Puget Sound Vessel Traffic Service. Operations potentially creating vessel traffic congestion include, but are not limited to, vessels engaged in fishing, including gillnet or purse seine, recreational fishing derbies, regattas, or permitted marine events.

(c) *General regulations.* (1) Nothing in this section shall be construed as relieving any party from their responsibility to comply with applicable rules set forth in the 72 COLREGS.

(2) Vessels engaged in fishing or other operations—that are distinct from vessels following a Traffic Separation Scheme (TSS) or a connecting precautionary area east of New Dungeness, may not remain in, nor their gear remain in, a traffic lane or a connecting precautionary area east of New Dungeness when a vessel following a TSS approaches an area where hazardous levels of vessel traffic congestion are deemed to exist. Vessels not following a TSS or a connecting precautionary area east of New Dungeness shall draw in their gear, maneuver, or otherwise clear these areas so that their action is complete and the traffic lane and connecting precautionary area is clear at least fifteen minutes before the arrival of a vessel following the TSS. Vessels which are required by this section to leave the traffic lane or connecting precautionary area must also remain clear of the adjacent separation zone when in a TSS east of New Dungeness.

(3) Vessels engaged in fishing or other operations—that are distinct from vessels following a TSS or a connecting precautionary area east of New Dungeness and which are not required by the Bridge to Bridge Radiotelephone Regulations to maintain a listening watch, are highly encouraged to maintain a listening watch on the Puget

Sound Vessel Traffic Service (PSVTS) VHF-FM radio frequency for the area in which the vessel is operating. A safe alternative to the radio listening watch is to stay clear of the TSS.

(4) Vessels engaged in fishing in a traffic lane or connecting precautionary area east of New Dungeness shall tend nets or other gear placed in the water so as to facilitate the movement of the vessel or gear from the traffic lane or precautionary area upon the approach of a vessel following the TSS.

(5) Vessels engaged in gill net fishing at any time between sunset and sunrise in any of the above-listed waters shall, in addition to the navigation lights and shapes required by Part 81 of this title (72 COLREGS), display at the end of the net most distant from the vessel an all-round (32-point) white light visible for a minimum of two nautical miles and displayed from at least three feet above the surface of the water.

(6) A vessel following the TSS may not exceed a speed of 11 knots through the water when transiting areas where hazardous levels of vessel traffic congestion are deemed to exist.

(d) *Prohibited fishing areas.* Vessels engaged in fishing, including gillnet and purse seine fishing, are prohibited in the following areas:

(1) Edmonds/Kingston ferry crossing lanes, to include the waters within one-quarter nautical mile on either side of a straight line connecting the Edmonds and Kingston ferry landings during the hours that the ferry is operating.

(2) The Hood Canal Bridge, to include the waters within a one-half nautical mile radius of the center of the main ship channel draw span during the immediate approach and transit of the draw by public vessels.

(e) *Authorization to deviate from this section.* (1) Commander, Thirteenth Coast Guard District may, upon written request, issue an authorization to deviate from this section if the proposed deviation provides a level of safety equivalent to or beyond that provided by the required procedure. An application for authorization must state the need for the deviation and describe the proposed alternative operation.

(2) PSVTS may, upon verbal request, authorize a deviation from this section for a voyage, or part of a voyage, if the

proposed deviation provides a level of safety equivalent to or beyond that provided by the required procedure. The deviation request must be made well in advance to allow the requesting vessel and the Vessel Traffic Center (VTC) sufficient time to assess the safety of the proposed deviation. Discussions between the requesting vessel and the VTC should include, but are not limited to, information on vessel handling characteristics, traffic density, radar contracts, and environmental conditions.

(3) In an emergency, the master, pilot, or person directing the movement of the vessel following the TSS may deviate from this section to the extent necessary to avoid endangering persons, property, or the environment, and shall report the deviation to the VTC as soon as possible.

[CGD13-90-003, 59 FR 44321, Aug. 29, 1994]

§ 165.1302 Bangor Naval Submarine Base, Bangor, WA.

(a) *Location.* The following is a security zone: The waters of the Hood Canal encompassed by a line commencing on the east shore of Hood Canal at latitude 47°43'17" N., longitude 122°44'44" W., thence to latitude 47°43'32" N., longitude 122°44'40" W.; thence to latitude 47°43'50" N., longitude 122°44'40" W.; thence to latitude 47°44'24" N., longitude 122°44'22" W.; thence to latitude 47°45'47" N., longitude 122°43'22" W.; thence to latitude 47°46'23" N., longitude 122°42'42" W.; thence to latitude 47°46'23" N., longitude 122°42'20" W.; thence to latitude 47°46'20" N., longitude 122°42'12" W.; thence southerly along the shoreline to the point of beginning.

(b) *Security zone anchorage.* The following is a security zone anchorage: Area No. 2. Waters of Hood Canal within a circle of 1,000 yards diameter centered on a point located at latitude 47°46'26" N., longitude 122°42'49" W.

(c) *Special Regulations.* (1) Section 165.33 paragraphs, (a), (e), and (f) do not apply to the following vessels or individuals on board those vessels:

(i) Public vessels of the United States, other than United States Naval vessels.

(ii) Vessels that are performing work at Naval Submarine Base Bangor pursuant to a contract with the United States Navy which requires their presence in the security zone.

(iii) Any other vessels or class of vessels mutually agreed upon in advance by the Captain of the Port and Commanding Officer, Naval Submarine Base Bangor. Vessels operating in the security zone under this exemption must have previously obtained a copy of a certificate of exemption permitting their operation in the security zone from the Security Office, Naval Submarine Base Bangor. This written exemption shall state the date(s) on which it is effective and may contain any further restrictions on vessel operations within the security zone as have been previously agreed upon by the Captain of the Port and Commanding Officer, Naval Submarine Base Bangor. The certificate of exemption shall be maintained on board the exempted vessel so long as such vessel is operating in the security zone.

(2) Any vessel authorized to enter or remain in the security zone may anchor in the security zone anchorage.

(3) Other vessels desiring access to this zone shall secure permission from the Captain of the Port through the Security Office of the Naval Submarine Base Bangor. The request shall be forwarded in a timely manner to the Captain of the Port by the appropriate Navy official.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and monitoring of this security zone by the U.S. Navy.

[CDG13 87-06, 52 FR 47924, Dec. 17, 1987]

§ 165.1303 Puget Sound and adjacent waters, WA-regulated navigation area.

(a) The following is a regulated navigation area: the waters of the United States east of a line extending from Discovery Island Light to New Dungeness Light and all points in the Puget Sound area north and south of these lights.

(b) *Regulations.* (1) Tank vessel navigation restrictions: Tank vessels larger than 125,000 deadweight tons bound for a port or place in the United States may not operate in the regulated navigation area.

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(2) Commander, Thirteenth Coast Guard District may, upon written request, issue an authorization to deviate from paragraph (b)(1) of this section if it is determined that such deviation provides an adequate level of safety. Any application for authorization must state the need and fully describe the proposed procedure.

(c) *Precautionary Area Regulations.* (1) A vessel in a precautionary area which is depicted on National Oceanic and Atmospheric Administration (NOAA) nautical charts, except precautionary "RB" (a circular area of 2,500 yards radius centered at 48-26'24" N., 122-45'12" W.), must keep the center of the precautionary area to port.

NOTE: The center of precautionary area "RB" is not marked by a buoy.

(2) The Puget Sound Vessel Traffic Service (PSVTS) may, upon verbal request, authorize a onetime deviation from paragraph (c)(1) of this section for a voyage, or part of a voyage, if the proposed deviation provides a level of safety equivalent to or beyond that provided by the required procedure. The deviation request must be made well in advance to allow the requesting vessel and the Vessel Traffic Center (VTC) sufficient time to assess the safety of the proposed deviation. Discussions between the requesting vessel and the VTC should include, but are not limited to, information on the vessel handling characteristics, traffic density, radar contacts, and environmental conditions.

(3) In an emergency, the master, pilot, or person directing the movement of the vessel may deviate from paragraph (c)(1) of this section to the extent necessary to avoid endangering persons, property, or the environment, and shall report the deviation to the VTC as soon as possible.

[CGD 90-020, 59 FR 36335, July 15, 1994, as amended by CGD 13-97-003, 62 FR 23660, May 1, 1997]

EFFECTIVE DATE NOTE: By CGD 13-97-003, 62 FR 23660, May 1, 1997, §165.1303 was amended by revising paragraph (b)(2) and adding paragraph (c), effective July 30, 1997. For the convenience of the user, the superseded text is set forth as follows:

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* * * * *

(b) * * *

(2) A vessel in a precautionary area which is depicted on National Oceanic and Atmospheric Administration (NOAA) nautical charts, except precautionary area "RB" (a circular area of 2,500 yards radius centered at 48-26'24" N., 122-45'12" W.), must keep the center of the precautionary area to port.

NOTE: The center of precautionary area "RB" is not marked by a buoy.

§ 165.1304 Bellingham Bay, Bellingham, WA.

(a) *Location.* The following area is a safety zone: All waters of Bellingham Bay, Washington, bounded by a circle with a radius of 1000 yards centered on the fireworks launching site located on the Georgia Pacific Lagoon Seawall at position latitude 48°44'56" N, longitude 122°29'40" W, including the entrances to the I & J Street Waterway and the Whatcom Creek Waterway. [Datum: NAD 83]

(b) *Effective dates.* This section is effective annually on July fourth from 9:30 p.m. to 11 p.m. unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA.

[CGD13-95-008, 60 FR 61480, Nov. 30, 1995, as amended by CGD 13-96-028, 61 FR 47824, Sept. 11, 1996]

§ 165.1305 Commencement Bay, Tacoma, WA.

(a) *Location.* The following area is a safety zone: All portions of Commencement Bay bounded by the following coordinates: Latitude 47°17'34" N, Longitude 122°28'36" W; thence to Latitude 47°17'06" N, Longitude 122°27'40" W; thence to Latitude 47°16'42" N, Longitude 122°28'06" W; thence to Latitude 47°17'10" W, Longitude 122°29'02" W; thence returning to the origin. This safety zone resembles a rectangle lying adjacent to the shoreline along Ruston Way. Floating markers will be placed by the sponsor of the event to delineate

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the boundaries of the safety zone. [Datum: NAD 1983].

(b) *Effective dates.* This section is effective annually on July the fourth from 2 p.m. to 12:30 a.m. July the fifth unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA.

[CGD13-95-009, 60 FR 61481, Nov. 30, 1995]

§ 165.1306 Lake Union, Seattle, WA.

(a) *Location.* The following area is a safety zone: All portions of the waters of Lake Union bounded by the following coordinates: Latitude 47°38'32" N, Longitude 122°20'34" W; thence to Latitude 47°38'32" N, Longitude 122°19'48" W; thence to Latitude 47°38'10" N, Longitude 122°19'45" W; thence to Latitude 47°38'10" N, Longitude 122°20'24" W; thence returning to the origin. This safety zone begins 1,000 feet south of Gas Works Park and encompasses all waters from east to west for 2,500 feet. Floating markers will be placed by the sponsor of the fireworks demonstration to delineate the boundaries of the safety zone. [Datum: NAD 1983]

(b) *Effective dates.* This section is effective annually on July fourth from 9:30 p.m. to 11 p.m. unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into the safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA. The Captain of the Port may establish transit lanes along the east and west shorelines of Lake Union and may allow boaters to transit north and south through the safety zone in these lanes. If established, these transit lanes will remain open until 10 p.m. and then be closed until the end of the fireworks display (approximately 30 minutes).

[CGD13-95-010, 60 FR 61483, Nov. 30, 1995]

§ 165.1307 Elliott Bay, Seattle, WA.

(a) *Location.* The following area is a safety zone: All portions of Elliott Bay bounded by the following coordinates:

Latitude 47°37' 22" N, Longitude 122° 22' 06" W; thence to Latitude 47° 37' 06" N, Longitude 122° 21' 55" W; thence to Latitude 47° 36' 54" N, Longitude 122° 22' 05" W; thence to Latitude 47° 36' 09" N, Longitude 122° 22' 25" W; thence returning to the origin. This safety zone resembles a square centered around the barge from which the fireworks will be launched and begins 100 yards from the shoreline of Myrtle Edwards Park. Floating markers will be placed by the sponsor of the fireworks display to delineate the boundaries of the safety zone. [Datum: NAD 1983]

(b) *Effective dates.* This section is effective annually on July fourth from 9:30 p.m. to 11 p.m. unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA.

[CGD13-95-007, 60 FR 61482, Nov. 30, 1995]

§ 165.1308 Columbia River, Vancouver, WA.

(a) *Location.* The following area is a safety zone: All waters of the Columbia River at Vancouver, Washington, bounded by a line commencing at the northern base of the Interstate 5 highway bridge at latitude 45°37'17" N, longitude 122°40'22" W; thence south along the Interstate 5 highway bridge to latitude 45°37'03" N, longitude 122°40'32" W; thence to latitude 45°36'28" N, longitude 122°38'35" W; thence to Ryan's Point at latitude 45°36'42" N, longitude 122°38'35" W; thence along the Washington shoreline to the point of origin. [Datum: NAD 83].

(b) *Effective dates.* This section is effective annually on July fourth from 9 p.m. to 11 p.m. (PDT) unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Portland, Oregon.

[CGD13-95-055, 61 FR 18949, Apr. 30, 1996]

FOURTEENTH COAST GUARD DISTRICT

§ 165.1401 Apra Harbor, Guam—safety zones.

(a) The following is designated as Safety Zone A—The waters of the Pacific Ocean and Apra Outer Harbor encompassed within an arc of 725 yards radius centered at the center of Wharf H. (Located at 13°27'47"N and 144°39'01.9"E. Based on World Geodetic System 1984 Datum)

(b) The following is designated Safety Zone B—The waters of Apra Outer Harbor encompassed within an arc of 680 yards radius centered at the center of Naval Wharf Kilo. (Located at 13°26'43"N, 144°37'46.7"E. Based on World Geodetic system 1984 Datum)

(c) Special regulations. (1) Section 165.23 does not apply to Safety Zone A and/or Safety Zone B, except when Wharf H and/or Naval Wharf Kilo, or a vessel berthed at Wharf H and/or Naval Wharf Kilo, is displaying a red (BRAVO) flag by day or a red light by night.

(2) In accordance with the general regulations in 165.23 of this part, entry into these zones is prohibited unless authorized by the Captain of the Port, Guam.

[COTP Guam Reg. 89-001, 55 FR 18725, May 4, 1990]

§ 165.1402 Apra Outer Harbor, Guam—regulated navigation area.

(a) The following is a regulated navigation area—The waters of the Pacific Ocean and Apra Outer Harbor enclosed by a line beginning at latitude 13°26'47"N, longitude 144°35'07"E; thence to Spanish Rocks at latitude 13°27'09.5"N, longitude 144°37'20.6"E; thence along the shoreline of Apra Outer Harbor to latitude 13°26'28.1"N, longitude 144°39'52.5"E (the northwest corner of Polaris Point); thence to latitude 13°26'40.2"N, longitude 144°39'28.1"E; thence to latitude 13°26'32.1"N, longitude 144°39'02.8"E; thence along the shoreline of Apra Outer Harbor to Orote Point at latitude 13°26'42"N, longitude 144°36'58.5"E; thence to the beginning. (Based on WGS 84 Datum)

(b) Regulations:

(1) Except for public vessels of the United States, vessels may not enter

Apra Outer Harbor without permission of the Captain of the Port if they have on board more than 25 tons of high explosives.

(2) Except for vessels not more than 65 feet in length, towboats or tugs without tows, no vessel may pass another vessel in the vicinity of the Outer Harbor entrance.

(3) Vessels over 100 gross tons shall:

(i) Steady on the entrance range at least 2 miles west of the entrance when approaching Apra Outer Harbor and;

(ii) [Reserved]

(iii) Steady on the range when departing Apra Outer Harbor.

(4) Vessels may not anchor in the fairway. The fairway is the area within 375 feet on either side of a line beginning at latitude 13°26'47"N, longitude 144°35'07"E; thence to latitude 13°27'14.1"N, longitude 144°39'14.4"E; thence to latitude 13°26'35.2"N, longitude 144°39'46.4"E; thence to latitude 13°26'30.8"N, longitude 144°39'44.4"E. (Based on WGS 84 Datum)

(5) Vessels over 100 gross tons may not proceed at a speed exceeding 12 knots within the harbor.

(6) No vessel may leave Apra Outer Harbor until any inbound vessel over 65 feet in length has cleared the Outer Harbor Entrance.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 96-026, 61 FR 33669, June 28, 1996]

§ 165.1403 Security Zone: Tinian, Commonwealth Northern Marianas Islands.

(a) *Location.* The following is designated as a security zone: The waters of the Pacific Ocean off Tinian between 14°59'04.9" N, 145°34'58.6" E to 14°59'20.1" N, 145°35'41.5" E to 14°59'09.8" N, 145°36'02.1" E to 14°57'49.3" N, 145°36'28.7" E to 14°57'29.1" N, 145°35'31.1" E and back to 14°59'04.9" N, 145°34'58.6" E. This zone is in effect when one, or more, of the Maritime Preposition Ships is in the zone or moored at Mooring A located at 14°58'57.0" N and 145°35'40.8" E or Mooring B located at 14°58'15.9" N, 145°35'54.8" E. Additionally, a 50-yard security zone will remain in effect in all directions around Moorings A and B when no vessels are moored thereto.

NOTE: All positions of latitude and longitude are from International Spheroid,

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Astro Pier 1944 (Saipan) Datum (DMA Chart 81071).

(b) *Regulations.* (1) In accordance with general regulations in §165.33 of this part, entry into this security zone is prohibited unless authorized by the Captain of the Port.

[COTP Honolulu Reg. 86-08, 51 FR 42220, Nov. 24, 1986]

§ 165.1404 Apra Harbor, Guam—security zone.

(a) The following is designated as Security Zone C—The waters of Apra Outer Harbor, Guam surrounding Naval Mooring Buoy No. 702 (Located at 13°27'30.1"N and 144°38'12.9"E. Based on World Geodetic System 1984 Datum) and the Maritime Prepositioning ships moored thereto. The security zone will extend 100 yards in all directions around the vessel and its mooring. Additionally, a 50 yard security zone will remain in effect in all directions around buoy No. 702 when no vessel is moored thereto.

(b) In accordance with the general regulations in §165.33 of this part, entry into Security Zone C is prohibited unless authorized by the Captain of the Port, Guam.

[COTP Guam Reg. 89-001, 55 FR 18725, May 4, 1990]

§ 165.1406 Safety Zone: Pacific Missile Range Facility (PMRF), Barking Sands, Island of Kauai, Hawaii.

(a) *Location.* The following area is established as a safety zone during launch operations at PMRF, Kauai, Hawaii: The waters bounded by the following coordinates: (22° 01.2'N, 159° 47.3'W), (22° 01.2'N, 159° 50.7'W), (22° 06.3'N, 159° 50.7'W), (22° 06.3'N, 159° 44.8'W). (Datum: OHD)

(b) *Activation.* The above safety zone will be activated during launch operations at PMRF, Kauai, Hawaii. The Coast Guard will provide notice that the safety zone will be activated through published and broadcast local notice to mariners prior to scheduled launch dates.

(c) *Regulation.* The area described in paragraph (a) of this section will be closed to all vessels and persons, except those vessels and persons authorized by the Commander, Fourteenth Coast

Guard District, or the Captain of the Port (COTP) Honolulu, Hawaii, whenever Strategic Target System (STARS) vehicles are to be launched by the United States Government from the PMRF, Barking Sands, Kauai, Hawaii.

(d) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

[CGD14 92-05, 57 FR 54508, Nov. 19, 1992, as amended by CGD 96-026, 61 FR 33669, June 28, 1996]

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§ 165.1701 Port Valdez, Valdez, Alaska—safety zone.

The waters within the following boundaries are a safety zone—The area within 200 yards of any waterfront facility at the Trans-Alaska Pipeline Valdez Terminal complex or vessels moored or anchored at the Trans-Alaska Pipeline Valdez Terminal complex and the area within 200 yards of any tank vessel maneuvering to approach, moor, unmoor, or depart the Trans-Alaska Pipeline Valdez Terminal complex.

§ 165.1702 Gastineau Channel, Juneau, Alaska—safety zone.

(a) The waters within the following boundaries are a safety zone: A line beginning at the Standard Oil Company Pier West Light (LLNR 3217), located at position 58°17.9'N, 134°24.8'W, in the direction of 140° True to Rock Dump Lighted Buoy 2A (LLNR 3213) at position 58°17.2'N, 134°23.8'W; thence in the direction of 003° True to a point at position 58°17.4'N, 134°23.7'W, on the north shore of Gastineau Channel; thence northwesterly along the north shore of Gastineau Channel to the point of origin.

(b) *Special Regulations:*

(1) All vessels may transit or navigate within the safety zone.

(2) No vessels, other than a large passenger vessel (including cruise ships and ferries) may anchor within the Safety zone without the express consent from the Captain of the Port, Southeast Alaska.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 79-026, 48 FR 35408, Aug. 4, 1983]

§ 165.1703 Ammunition Island, Port Valdez, Alaska.

(a) The waters within the following boundaries is a safety zone—the area within 1330 yards of Ammunition Island, latitude 61.07–5N, longitude 146.18W, and the vessel moored or anchored at Ammunition Island.

(b) The area 200 yards off the vessel navigating the Vessel Traffic system from abeam of Naked Island, maneuvering to approach, moor, unmoor at Ammunition Island, or the departure of the vessel from Ammunition Island.

(c) *Special regulation.* (1) Section 165.23 does not apply to paragraph (a) of this section, except when the vessel is moored to Ammunition Island.

(d) Effective August 25, 1987 Notice of vessels arrival will be made in the Notice to Mariners, Local Notice to Mariners and in the Local Valdez newspaper, prior to the vessel arrival.

[52 FR 30671, Aug. 17, 1987]

§ 165.1704 Prince William Sound, Alaska-regulated navigation area.

(a) The following is a regulated navigation area: The navigable waters of the United States north of a line drawn from Cape Hinchinbrook Light to Schooner Rock Light, comprising that portion of Prince William Sound between 146–30' W. and 147–20' W. and includes Valdez Arm, Valdez Narrows, and Port Valdez.

(b) Within the regulated navigation area described in paragraph (a) of this section, § 161.60 of this chapter establishes a VTS Special Area for the waters of Valdez Arm, Valdez Narrows, and Port Valdez northeast of a line bearing 307° True from Tongue Point at 61–02'06" N., 146–40' W.; and southwest of a line bearing 307° True from Entrance Island Light at 61–05'06" N., 146–36'42" W.

(c) *Regulations.* In addition to the requirements set forth in § 161.13 and § 161.60(c) of this chapter, a tank vessel of 20,000 deadweight tons or more that intends to navigate within the regulated navigation area must:

(1) Report compliance with part 164 of this chapter, to the Vessel Traffic Center (VTC);

(2) Have at least two radiotelephones capable of operating on the designated

VTS frequency, one of which is capable of battery operation;

(3) When steady wind conditions in the VTS Special Area or Port Valdez exceed, or are anticipated to exceed 40 knots, proceed as directed by the VTC (entry into the VTS Special Area and Port Valdez is prohibited);

(4) When transiting the VTS Special Area, limit speed to 12 knots;

(5) If laden and intending to navigate the VTS Special Area, limit speed to 12 knots except between Middle Rock and Potato Point where the speed limit shall be 6 knots; and

(6) Not later than July 1, 1994, have an operating Automatic Identification System Shipborne Equipment (AISSE) system installed.

(i) The designated digital selective calling frequency (DSC) in Prince William Sound is 156.525MHz (VHF Channel 70).

(ii) AISSE equipped vessels will not be required to make voice radio position reports at designated reporting points required by § 161.20(b), unless otherwise directed by the VTC.

(iii) Whenever a vessel's AISSE becomes non-operational, as defined in § 164.43(c) of this chapter, before entering or while underway in the VTS area, a vessel must:

(A) Notify the VTC;

(B) Make the required voice radio position reports as set forth in § 161.60 and required by § 161.20(b) of this chapter;

(C) Make other voice radio reports as required by the VTS; and

(D) Restore the AISSE to operating condition as soon as possible.

(iv) Whenever a vessel's AISSE becomes non-operational due to a loss of position correction information (i.e., the U.S. Coast Guard dGPS system cannot provide the required error correction messages) a vessel must:

(A) Make the required voice radio position reports as set forth in § 161.60 and required by § 161.20(b) of this chapter; and

(B) Make other voice radio reports as required by the VTS.

(v) Whenever a vessel's AISSE becomes non-operational before getting underway in the VTS area, permission to get underway must be obtained from the VTC.

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NOTE: Regulations pertaining to Automatic Identification System Shipborne Equipment (AISSE) required capabilities are set forth in Part 164 of this chapter.

[CGD 90-020, 59 FR 36335, July 15, 1994, as amended by CGD 95-033, 60 FR 28333, May 31, 1995; CGD 97-023, 62 FR 33365, June 19, 1997]

§ 165.1705 Ketchikan Harbor, Ketchikan, Alaska—safety zone.

(a) That portion of Ketchikan Harbor, Ketchikan, Alaska enclosed by the following boundary lines is a Safety Zone: A line from Thomas Basin Entrance Light "2", latitude 55°-20'.3 N., longitude 131°-38'.5 W., to East Channel Lighted Buoy "4A", latitude 55°-20'.4 N., longitude 131°-38'.9 W., to Pennock Island Reef Lighted Buoy "PR", latitude 55°-20'.3 N., longitude 131°-40' W., to Wreck Lighted Buoy "WR6", latitude 55°-20'.7 N., longitude 131°-40'.3 W., then following a line bearing 064 degrees true to shore. This zone is effective 24 hours per day from 1 May through 30 September, annually. Annual notices of these regulations will be issued in Local Notices to Mariners.

(b) Special Regulations:

(1) All vessels may transit or navigate within the safety zone.

(2) No vessels, other than a large passenger vessel over 1600 gross tons (including ferries), may anchor within the Safety Zone without the express consent of the Captain of the Port, Southeast Alaska.

[COTP SE, Alaska Reg. 85-01, 51 FR 4906, Feb. 10, 1986]

§ 165.1706 Gastineau Channel, Juneau, Alaska—Safety Zone.

(a) *Location.* The following area is a safety zone: the waters in Juneau Harbor within a 100 yard radius of the vessel or waterfront facility located at 58° 17' 41" N, 134° 24' 22" W used to conduct fireworks displays.

(b) *Effective date.* The safety zone becomes effective on July 3 each year at 10 p.m. ADT. It terminates at the conclusion of the fireworks display at approximately 2:30 a.m. ADT on July 5 each year, unless sooner terminated by the Captain of the Port. If the fireworks display is postponed because of inclement weather, the date and duration of the safety zone will be an-

nounced in the Local Notices to Mariners.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Southeast Alaska.

[59 FR 31934, June 21, 1994]

§ 165.1707 Crescent Harbor, Sitka, Alaska—Safety Zone.

(a) *Location.* The following area is a safety zone: the waters in Crescent Harbor within a 100 yard radius of the vessel or waterfront facility located at 57°02'54" N, 135°19'32" W used to conduct fireworks displays.

(b) *Effective date.* The safety zone becomes effective on July 3 each year at 10 a.m. ADT. It terminates at the conclusion of the fireworks display at approximately 2:30 a.m. ADT on July 5 each year, unless sooner terminated by the Captain of the Port. If the fireworks display is postponed because of inclement weather, the date and duration of the safety zone will be announced in the Local Notices to Mariners.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Southeast Alaska.

[59 FR 31932, June 21, 1994]

§ 165.1708 Tongass Narrows, Ketchikan, Alaska—Safety Zone

(a) *Location.* The following area is a safety zone: the waters in Tongass Narrows within a 100 yard radius of the barge located at 55°20'20" N, 131°39'36" W used to conduct fireworks displays.

(b) *Effective date.* The safety zone becomes effective on July 3 each year at 10 p.m. ADT. It terminates at the conclusion of the fireworks display at approximately 2:30 a.m. ADT on July 5 each year, unless sooner terminated by the Captain of the Port. If the fireworks display is postponed because of inclement weather, the date and duration of the safety zone will be announced in the Local Notices to Mariners.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this zone is prohibited

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unless authorized by the Captain of the Port, Southeast Alaska.

[59 FR 31933, June 21, 1994]

PART 166—SHIPPING SAFETY FAIRWAYS

Subpart A—General

Sec.

- 166.100 Purpose.
- 166.103 Geographic coordinates.
- 166.105 Definitions.
- 166.110 Modification of areas.

Subpart B—Designations of Fairways and Fairway Anchorages

- 166.200 Shipping safety fairways and anchorage areas, Gulf of Mexico.
- 166.300 Areas along the coast of California.
- 166.400 Areas along the coast of Alaska.
- 166.500 Areas along the Atlantic Coast.

AUTHORITY: 33 U.S.C. 1223; 49 CFR 1.46.

Subpart A—General

§ 166.100 Purpose.

The purpose of these regulations is to establish and designate shipping safety fairways and fairway anchorages to provide unobstructed approaches for vessels using U.S. ports.

[CGD 81-80a, 48 FR 30110, June 30, 1983]

§ 166.103 Geographic coordinates.

Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD 86-082, 52 FR 33811, Sept. 8, 1987]

§ 166.105 Definitions.

(a) *Shipping safety fairway* or *fairway* means a lane or corridor in which no artificial island or fixed structure, whether temporary or permanent, will be permitted. Temporary underwater obstacles may be permitted under cer-

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tain conditions described for specific areas in Subpart B. Aids to navigation approved by the U.S. Coast Guard may be established in a fairway.

(b) *Fairway anchorage* means an anchorage area contiguous to and associated with a fairway, in which fixed structures may be permitted within certain spacing limitations, as described for specific areas in Subpart B.

[CGD 81-80a, 48 FR 30110, June 30, 1983]

§ 166.110 Modification of areas.

Fairways and fairway anchorages are subject to modification in accordance with 33 U.S.C. 1223(c); 92 Stat. 1473.

[CGD 81-80a, 48 FR 30110, June 30, 1983]

Subpart B—Designations of Fairways and Fairway Anchorages

§ 166.200 Shipping safety fairways and anchorage areas, Gulf of Mexico.

(a) *Purpose.* Fairways and anchorage areas as described in this section are established to control the erection of structures therein to provide safe approaches through oil fields in the Gulf of Mexico to entrances to the major ports along the Gulf Coast.

(b) *Special Conditions for Fairways in the Gulf of Mexico.* Temporary anchors and attendant cables or chains attached to floating or semisubmersible drilling rigs outside a fairway may be placed within a fairway described in this section for the Gulf of Mexico, provide the following conditions are met:

(1) Anchors installed within fairways to stabilize semisubmersible drilling rigs shall be allowed to remain 120 days. This period may be extended by the Army Corps of Engineers, as provided by § 209.135(b).

(2) Drilling rigs must be outside of any fairway boundary to whatever distance is necessary to ensure that the minimum depth of water over an anchor line within a fairway is 125 feet.

(3) No anchor buoys or floats or related rigging will be allowed on the surface of the water or to a depth of at least 125 feet from the surface, within a fairway.

(4) Aids to Navigation or danger markings must be installed as required by 33 CFR Subchapter C.